

ESTTA Tracking number: **ESTTA682009**

Filing date: **07/06/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215699
Party	Defendant Holaira, Inc.
Correspondence Address	BARBARA J GRAHN OPPENHEIMER WOLFF & DONNELLY LLP 222 S 9TH ST , STE 2000 MINNEAPOLIS, MN 55402 3338 UNITED STATES bgrahn@oppenheimer.com, dhansen@oppenheimer.com
Submission	Defendant's Notice of Reliance
Filer's Name	Dennis Hansen
Filer's e-mail	dhansen@oppenheimer.com, bgrahn@oppenheimer.com, trade-marks@oppenheimer.com
Signature	/Dennis Hansen/
Date	07/06/2015
Attachments	Applicant Notice of Reliance and Affidavit of Service.pdf(1049952 bytes) Applicant Non-Confidential Exhibits 1-2 to Notice of Reliance.pdf(5394614 bytes) Applicant Non-Confidential Exhibits 3-10 to Notice of Reliance.pdf(5297024 bytes) Applicant Non-Confidential Exhibits 11-17 to Notice of Reliance.pdf(5703370 bytes) Applicant Non-Confidential Exhibits 18-21 to Notice of Reliance.pdf(4616149 bytes) Applicant Non-Confidential Exhibits 22-27 to Notice of Reliance.pdf(5904754 bytes) Applicant Non-Confidential Exhibits 28-35 to Notice of Reliance.pdf(5358234 bytes) Applicant Non-Confidential Exhibits 36-41 to Notice of Reliance.pdf(5512487 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No.: 85/806,379

Filed: December 19, 2012

For the mark: HOLAIRA

Published in the *Trademark Official Gazette* on December 3, 2013

Boston Scientific Corporation and
Asthmatx, Inc.

Opposition No. 91215699

Opposers,

APPLICANT'S NOTICE OF RELIANCE

v.

Holaira, Inc.

Applicant.

Holaira, Inc. ("Applicant") hereby makes the following documents of record and notifies Opposers of its reliance on the following:

1. Pursuant to 37 C.F.R. § 2.122(e); TBMP § 704.07, Applicant submits copies of the following official records of the United States Patent and Trademark Office, showing the current status of the following trademark registrations, the relevance of which are specifically set forth in the table below:

<u>MARK</u>	<u>REGISTRATION</u>	<u>RELEVANCE</u>	<u>DATE PRINTED</u>	<u>EX.</u>
ADVAIR	2628568	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential	July 3, 2015	1

		confusion		
ADVAIR DISKUS	2505137	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	2
AEROBID	1347122	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	3
AIR GUARD	3548868	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	4
AIRDELA	4028722	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	5
AIREGO	4571015	Strength of opposers' mark, similarity or	July 2, 2015	6

		dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
AIRFEV	4330882	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	7
AIRFIT	4569784	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	8
AIRFLUSOL	4277894	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	9
AIRGEL	4619361	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks	July 2, 2015	10

		in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
AIRLIFE	3150546	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	11
AIRSTAT	2446249	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	12
AIRWATCH	2006677	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	13
ALERE	2659940	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air	July 3, 2015	14

		for similar goods, and the extent of potential confusion		
ASPIRAIR	4004421	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	15
CAIRE	4163421	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	16
CAIRE	4163422	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	17
CIRCULAIRE	2144663	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	18

GENUAIR	4090022	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	19
HUMIDAIRE	2386753	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	20
MAXAIR	1523151	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	21
MAXAIR	3208459	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	22
NUAIR	3547148	Strength of opposers' mark, similarity or dissimilarity of the	July 2, 2015	23

		marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
NUAIR	4675553	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	24
PILAIRO	4148736	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	25
PRESSAIR	4298420	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	26
PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL	4424929	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods,	July 3, 2015	27

		descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL	4424933	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	28
PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL THE DIFFERENCE IS IN THE DESIGN	4425711	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	29
PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL	4720391	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	30
PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL	4720392	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and	July 3, 2015	31

		the extent of potential confusion		
PULMONAIRE	874778	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	32
QUATTRO AIR	4530535	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	33
SINGULAIR	2048127	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	34
SYLVAIR	4069614	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	35
TUDORZA	4490481	Strength of opposers'	July 2, 2015	36

PRESSAIR		mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
VENTILAIR	1566967	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	37
VITALAIRE	3882720	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	38
VITALAIRE	4654916	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	39
XOLAIR	2678068	Strength of opposers' mark, similarity or dissimilarity of the marks, number and	July 3, 2015	40

		nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
XOLAIR	2707154	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	41
XOLAIR	2998978	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	42
XOLAIR	3086141	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	43
ZENUAIR	3623195	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and	July 2, 2015	44

		common use of term air for similar goods, and the extent of potential confusion		
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2. Pursuant to 37 C.F.R. § 2.122(e); TBMP § 704.08(b), Applicant submits copies of the following publicly available records printed from third-party websites, the relevance of which are specifically set forth in the table below:

<u>TITLE</u>	<u>RELEVANCE</u>	<u>WEBSITE</u>	<u>DATE PRINTED</u>	<u>EX.</u>
ProAir® (albuterol sulfate) Rescue Inhalers	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.myproair.com/	June 30, 2015	45
Allergic Asthma Medication XOLAIR® (Omalizumab)	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of	http://www.xolair.com/allergic-asthma?cid=xol_PS_MIXLAAWB0295_8&c=MIXLAAWB0295	June 30, 2015	46

	potential confusion			
Advair – Google Search	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	https://www.google.com/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=advair	June 30, 2015	47
ADVAIR for Asthma Treatment and COPD Treatment ADVAIR.com	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.advair.com/	July 1, 2015	48
Maxair Autohaler	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness	http://web.archive.org/web/20110903185717/http://www.maxair.com/	June 30, 2015	49

	and common use of term air for similar goods, and the extent of potential confusion			
Alere Global A Leader in Rapid PointofCare Diagnostics	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.alere.com/ww/en.html	June 30, 2015	50
Circulaire® II HighEfficiency Aerosol Drug Delivery System	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://westmedinc.com/circulaireii/	June 30, 2015	51
Drug Free Remedy for Hay Fever and Allergic Rhinitis	Strength of opposers' mark, similarity or dissimilarity of the marks, number and	http://www.galaxy.com/rvw90280943/ DrugFreeRemedyforHayFeverandAllergicRhinitisNasalAirG	June 30, 2015	52

NasalAir Guard	nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	uard.Htm		
CTC Forum • View topic NasalAir Guard	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://forum.ctc.org.uk/viewtopic.php?f=5&t=954	June 30, 2015	53
Flaem Aerosol Therapy Nebulair	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.flaem.it/en/flaem/1/aerosol_therapy/69/nebulair	July 1, 2015	54
"pilairo"	Strength of opposers' mark,	https://www.google.com/webhp?sourceid=chromeinstant&io	June 30, 2015	55

Google Search	similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	n=1&espv=2&ie=UTF8#q=%22pilairo%22		
SINGULAIR® (montelukast sodium)	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.merck.com/product/usa/pi_circulars/s/singulair/singulair.html	June 30, 2015	56
VENTILAIR II compressor	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential	https://www.hamilton-medical.com/en_US/Products/Respiratory-care-supplies/VENTILAIR-II-compressor.html	July 1, 2015	57

	confusion			
Home Healthcare - Medical Gases - VitalAire	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	https://www.vitalaire.com/	July 1, 2015	58
Airguard Medical CT Mask Cold Air Face Mask Perfect Present Store	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	https://www.the-perfect-present.com/PolarWrap/winter-face-mask.html	July 2, 2015	59
Sandoz receives first approval for AirFluSal® Forspiro® Novartis	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use	https://www.novartis.com/news/media-releases/sandoz-receives-first-approval-airflusal%C2%AE-forspiro%C2%AE	July 2, 2015	60

	of term air for similar goods, and the extent of potential confusion			
airflusal inhaler - Google Search	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	https://www.google.com/	July 2, 2015	61
Welcome to Sleepnet - Sleep Apnea and Respiratory Masks	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.sleepnetmasks.com /	July 2, 2015	62
ResMed Changing lives with every breath	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar	http://www.resmed.com/us/en/consumer/products/masks.html	July 2, 2015	63

	marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion			
ResMed - HumidAire 3i™	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.resmed.com/int/products/humidaire_3i/humidaire-3i.html?nc=patients	July 2, 2015	64
HumidAire 2i™	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.resmed.com/int/products/humidaire_2i/humidaire-2i.html?nc=patients	July 2, 2015	65
The Genuair® inhaler: a	Strength of opposers' mark, similarity or	http://www.ncbi.nlm.nih.gov/pubmed/22340451	July 2, 2015	66

novel, multidose dry powder inhaler. - PubMed - NCBI	dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion			
Innovative respiratory inhaler Airflusal® Forspiro® receives Alufoil Trophy 2015	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.evaluategroup.com/Universal/View.aspx?type=Story&id=568646	July 2, 2015	67
CAIRE Medical Chart Industries	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential	http://www.chartindustries.com/Businesses/CAIRE-Medical	July 2, 2015	68

	confusion			
AirLife® Consumables, Resuscitation, Oxygen Therapy - CareFusion	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.carefusion.com/medical-products/carefusion-brands/airlife/	July 2, 2015	69
AirLife® Respiratory Products, Respiratory Therapy - CareFusion	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.carefusion.com/medical-products/respiratory/consumables/	July 2, 2015	70
AstraZeneca - Duaklir® Genuair® approved in the European Union for chronic obstructive pulmonary	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use	http://www.astrazeneca.com/Media/Press-releases/Article/20141124--duaklir-genuair-approved-in-the-european-union	July 2, 2015	71

disease	of term air for similar goods, and the extent of potential confusion			
iMetrikus - D2M Design to MatterD2M Design to Matter	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://d2m-inc.com/portfolio/air-watch/	July 2, 2015	72
F&P Pilairo Q	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	https://www.fphcare.com/sleep-apnea/masks/nasal-pillows-masks/f-p-pilairo-q/	July 6, 2015	73
Official Site – TUDORZA® PRESSAIR &res; (aclidinium	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar	http://www.tudorzahcp.com/	July 6, 2015	74

bromide inhalation powder)	marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion			
Used Jones Medical, Pulmonaire 10, Spirometer for Sale - 915053321	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.medwow.com/used-spirometer/jones-medical/pulmonaire-10/915053321.item	July 6, 2015	75
Quattro Air Full Face Mask CPAP Masks for ResMed	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	http://www.resmed.com/us/en/consumer/products/masks/quattro-air.html	July 6, 2015	76

3. Pursuant to 37 C.F.R. § 2.120(j)(3)(i); TBMP § 704.10, Applicant submits the definitions for Holaira, Inc.'s First Set of Interrogatories to Opposers and Opposers' Answers to Holaira, Inc.'s First Set of Interrogatories attached as Exhibits 77 and 78, respectively.
4. Pursuant to 37 C.F.R. § 2.120(j)(3)(i); TBMP § 704.10, Applicant submits Opposers' Confidential Answers to Holaira, Inc.'s First Set of Interrogatories attached as Exhibit 79 (SUBMITTED UNDER SEAL).
5. Pursuant to 37 C.F.R. § 2.122(e); TBMP § 704.07, Applicant submits copies of records of the United States Patent and Trademark Office, reflecting the Petition for Cancellation in TTAB proceeding 92051129, which is relevant to the strength of Opposers' mark and the similarity (lack thereof) of the marks attached as Exhibit 80.
6. Pursuant to 37 C.F.R. § 2.122(e); TBMP § 704.07, Applicant submits copies of official records of the Patent and Trademark Office, reflecting the Answer in TTAB proceeding 92051129, which is relevant to the strength of Opposers' mark and the similarity (lack thereof) of the marks as Exhibit 81.

Respectfully Submitted,

OPPENHEIMER WOLFF & DONNELLY LLP

Dated: July 6, 2015

By: 

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**ATTORNEYS FOR APPLICANT
HOLAIRA, INC.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No.: 85/806,379

Filed: December 19, 2012

For the mark: HOLAIRA

Published in the *Trademark Official Gazette* on December 3, 2013

Boston Scientific Corporation and
Asthmatx, Inc.

Opposition No. 91215699

Opposers,

v.

**AFFIDAVIT OF SERVICE
BY UNITED STATES MAIL**

Holaira, Inc.

Applicant.

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Kathleen Peterson, being first duly sworn upon oath, states that on July 6, 2015, she served the attached:

1. Applicant's Notice of Reliance;
upon the within named counsel by United States Mail, using an envelope addressed as set forth below, with postage prepaid, and depositing the same in the United States Mail at Minneapolis, Minnesota:

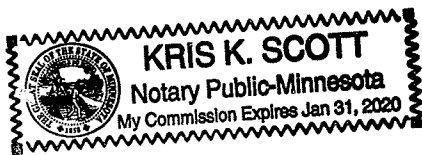
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Winthrop & Weinstine
Capella Tower, Suite 3500
225 South Sixth Street
Minneapolis, MN 55402-4629

Attorneys for Opposers


KATHLEEN PETERSON

Subscribed and sworn to before
this 6th day of July, 2015


Notary Public – State of Minnesota



APPLICANT'S EXHIBIT 1

Generated on: This page was generated by TSDR on 2015-07-03 14:53:11 EDT

Mark: ADVAIR

US Serial Number: 75595007 Application Filing Date: Nov. 24, 1998
US Registration Number: 2628568 Registration Date: Oct. 01, 2002
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Apr. 03, 2012
Publication Date: Oct. 05, 1999 Notice of Allowance Date: Dec. 28, 1999

Mark Information

Mark Literal Elements: ADVAIR
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: pharmaceutical preparations and substances for the treatment and/or alleviation of respiratory ailments

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 03, 2001

Use in Commerce: Apr. 03, 2001

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GLAXO GROUP LIMITED
Owner Address: 980 GREAT WEST ROAD
BRENTFORD MIDDLESEX TW8 9GS
UNITED KINGDOM
Legal Entity Type: CORPORATION State or Country Where Organized: UNITED KINGDOM

Attorney/Correspondence Information

Attorney of Record	
Attorney Name: Christopher M. Hanes	Docket Number: REN2012/3002
Attorney Primary Email: trademarks@gsk.com	Attorney Email: Yes

Holaira001649

Address: _____

Authorized: _____

Correspondent

Correspondent Name/Address: Christopher M. Hanes
GLAXOSMITHKLINE
LGTM, C.3157.3D
FIVE MOORE DRIVE
RESEARCH TRIANGLE PARK, NORTH CAROLINA 27709
UNITED STATES

Phone: 919 483 2723

Fax: 704 625 9190

Correspondent e-mail: trademarks@gsk.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Christopher M. Hanes

Phone: 919 483 2723

Fax: 704 625 9190

Domestic Representative e-mail: trademarks@gsk.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
May 15, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 12, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 03, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Apr. 03, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Apr. 03, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	73376
Mar. 30, 2012	TEAS SECTION 8 & 9 RECEIVED	
Aug. 18, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 18, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 12, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 09, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 27, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Sep. 24, 2008	ASSIGNED TO PARALEGAL	73376
Sep. 22, 2008	TEAS SECTION 8 & 15 RECEIVED	
Feb. 01, 2008	CASE FILE IN TICRS	
Oct. 01, 2002	REGISTERED-PRINCIPAL REGISTER	
Jun. 04, 2002	PAPER RECEIVED	
Jun. 12, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 22, 2001	ASSIGNED TO EXAMINER	75516
Oct. 12, 2001	STATEMENT OF USE PROCESSING COMPLETE	
May 11, 2001	USE AMENDMENT FILED	
Apr. 10, 2001	EXTENSION 2 GRANTED	
Nov. 21, 2000	EXTENSION 2 FILED	
Oct. 10, 2000	EXTENSION 1 GRANTED	
Jun. 28, 2000	EXTENSION 1 FILED	
Jul. 17, 2001	PETITION TO REVIVE-GRANTED	
Sep. 21, 2000	PETITION TO REVIVE-RECEIVED	
Aug. 29, 2000	ABANDONMENT - NO USE STATEMENT FILED	
Dec. 28, 1999	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 05, 1999	PUBLISHED FOR OPPOSITION	
Sep. 03, 1999	NOTICE OF PUBLICATION	
Jun. 17, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 10, 1999	ASSIGNED TO EXAMINER	76614

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 01, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 03, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Glaxo Group Limited

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4913/0266

Pages: 160

Date Recorded: Dec. 05, 2012

Supporting Documents: [assignment-tm-4913-0266.pdf](#)

Assignor

Name: GLAXO GROUP LIMITED

Execution Date: Oct. 01, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Assignee

Name: GLAXOSMITHKLINE INTELLECTUAL PROPERTY MANAGEMENT LIMITED

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Address: 980 GREAT WEST ROAD
BRENTFORD MIDDLESEX, UNITED KINGDOM TW8 9GS

Correspondent

Correspondent Name: CHRISTOPHER M. HANES

Correspondent Address: FIVE MOORE DRIVE
LGTM, C.3157.3D
RESEARCH TRIANGLE PA, NC 27709

Domestic Representative

Domestic Representative Name: CHRISTOPHER M. HANES

Domestic Representative Address: FIVE MOORE DRIVE
LGTM, C.3157.3D
RESEARCH TRIANGLE PA, NC 27709

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5022/0083

Pages: 366

Date Recorded: May 07, 2013

Supporting Documents: [assignment-tm-5022-0083.pdf](#)

Assignor

Name: GLAXOSMITHKLINE INTELLECTUAL PROPERTY MANAGEMENT LIMITED

Execution Date: Mar. 27, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Assignee

Name: GLAXO GROUP LIMITED

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Address: 980 GREAT WEST ROAD
BRENTFORD MIDDLESEX, UNITED KINGDOM TW8 9GS

Correspondent

Correspondent Name: CHRISTOPHER M. HANES

Correspondent Address: FIVE MOORE DRIVE
LGTM, C.3157.3D
RESEARCH TRIANGLE PA, NC 27709

Domestic Representative

Domestic Representative Name: CHRISTOPHER M. HANES

Domestic Representative Address: FIVE MOORE DRIVE
LGTM, C.3157.3D
RESEARCH TRIANGLE PA, NC 27709

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Extension of Time

Proceeding Number: 76046054

Filing Date:

Status: Terminated

Status Date: Jul 02, 2003

Interlocutory Attorney:

Defendant

Name: Bayer Aktiengesellschaft

Correspondent Address: STANLEY C. MACEL, III
CONNOLLY BOVE LODGE & HUTZ, LLP
THE NEMOURS BUILDING 1007 NORTH ORANGE STREET
WILMINGTON DE , 19801
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPEVAIR	Abandoned - After Inter-Partes Decision	<u>76046054</u>	
Potential Opposer(s)			

Name: Glaxo Group Limited

Correspondent Address: PO Box 13398
Five Moore Drive
Research Triangle Pa NC , 27709
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>

Name: GLAXO GROUP LIMITED

Correspondent Address: DAVID A. HARLOW
MOORE & VAN ALLEN PLLC
2200 WEST MAIN STREET, SUITE 800
DURHAM NC , 27705-4658
UNITED STATES

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 23, 2002	
2	EXTENSION OF TIME GRANTED	Feb 27, 2003	
3	INCOMING - EXT TIME TO OPPOSE FILED	Nov 04, 2002	
4	EXTENSION OF TIME GRANTED	Feb 27, 2003	
5	INCOMING - EXT TIME TO OPPOSE FILED	Dec 03, 2002	
6	EXTENSION OF TIME GRANTED	Feb 27, 2003	
7	INCOMING - EXT TIME TO OPPOSE FILED	Jan 31, 2003	
8	EXTENSION OF TIME GRANTED	Feb 27, 2003	
9	INCOMING - EXT TIME TO OPPOSE FILED	Mar 31, 2003	
10	EXTENSION OF TIME GRANTED	Apr 08, 2003	
11	TERMINATED	Aug 27, 2003	

Type of Proceeding: Cancellation

Proceeding Number: 92057507

Filing Date: Jul 12, 2013

Holaira001652

Status: Terminated

Status Date: Nov 19, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Stallergenes SA

Correspondent Address: MARK A NIEDS
IPHORGAN LTD
1130 W LAKE COOK RD, STE 240
BUFFALO GROVE IL , 60089
UNITED STATES

Correspondent e-mail: mnieds@iphorgan.net , mail@iphorgan.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTAIR	IR CANCELLED; US REGISTRATION CANCELLED	<u>79078420</u>	<u>3860970</u>

Plaintiff(s)

Name: Glaxo Group Limited

Correspondent Address: PAUL C LLEWELLYN
KAYE SCHOLER LLP
425 PARK AVENUE
NEW YORK NY , 10022-3598
UNITED STATES

Correspondent e-mail: paul.llewellyn@kayescholer.com, john.rynkiewicz@kayescholer.com, darya.laufer@kayescholer.com, john.eisheid@kayescholer.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 12, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 15, 2013	Aug 24, 2013
3	PENDING, INSTITUTED	Jul 15, 2013	
4	PL'S PROOF OF SERVICE	Jul 15, 2013	
5	STIP FOR EXT	Aug 21, 2013	
6	EXTENSION OF TIME GRANTED	Aug 21, 2013	
7	ANSWER	Sep 20, 2013	
8	VOLUNTARY SURRENDER OF REGISTRATION	Oct 21, 2013	
9	BD DECISION: DISMISSED W/O PREJ	Nov 18, 2013	
10	COMMR ORDER CANCELLING REG	Nov 19, 2013	
11	TERMINATED	Nov 19, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91181284

Filing Date: May 17, 2013

Status: Terminated

Status Date: May 21, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Bang & Olufsen Medicom A/S

Correspondent Address: BASSAM N IBRAHIM
BUCHANAN INGERSOLL & ROONEY PC
PO BOX 1404
ALEXANDRIA VA , 22313-1404
UNITED STATES

Correspondent e-mail: lloyd.smith@bipc.com , bua@medicomnordic.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ASMAIR	IR CANCELLED; US APPLICATION ABANDONED	<u>79033705</u>	

Plaintiff(s)**Name:** Glaxo Group Limited**Correspondent Address:** KEITH E SHARKIN
DICKSTEIN SHAPIRO LLP
1633 BROADWAY
NEW YORK NY , 10019-6708
UNITED STATES**Correspondent e-mail:** sharkink@dicksteinshapiro.com , lackertc@dicksteinshapiro.com , goodwillj@dicksteinshapiro.com , ipdocketing-ny@dicksteinshapiro.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>
ADVAIR	Cancelled - Section 8	<u>76114821</u>	<u>2636615</u>
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>
ADVAIR "DISKUS"	Cancelled - Section 8	<u>76114822</u>	<u>2716959</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2007	Jan 23, 2008
3	PENDING, INSTITUTED	Dec 14, 2007	
4	ANSWER	Jan 23, 2008	
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 21, 2008	
6	EXTENSION OF TIME GRANTED	Apr 07, 2008	
7	D'S FILING OF INITIAL DISCLOSURES	Apr 22, 2008	
8	INITIAL DISCLOSURES NOT CONSIDERED	Apr 29, 2008	
9	STIPULATION FOR AN EXTENSION OF TIME	Jun 09, 2008	
10	EXTENSION OF TIME GRANTED	Jun 09, 2008	
11	STIPULATION FOR AN EXTENSION OF TIME	Jul 17, 2008	
12	EXTENSION OF TIME GRANTED	Jul 17, 2008	
13	STIPULATION FOR AN EXTENSION OF TIME	Sep 23, 2008	
14	EXTENSION OF TIME GRANTED	Sep 23, 2008	
15	STIPULATION FOR AN EXTENSION OF TIME	Dec 15, 2008	
16	EXTENSION OF TIME GRANTED	Dec 15, 2008	
17	STIPULATION FOR AN EXTENSION OF TIME	Jan 16, 2009	
18	EXTENSION OF TIME GRANTED	Jan 16, 2009	
19	STIPULATION FOR AN EXTENSION OF TIME	Mar 25, 2009	
20	EXTENSION OF TIME GRANTED	Mar 25, 2009	
21	STIPULATION FOR AN EXTENSION OF TIME	May 13, 2009	
22	EXTENSION OF TIME GRANTED	May 13, 2009	
23	STIPULATION FOR AN EXTENSION OF TIME	Jul 16, 2009	
24	EXTENSION OF TIME GRANTED	Jul 16, 2009	
25	STIPULATION FOR AN EXTENSION OF TIME	Sep 15, 2009	
26	EXTENSION OF TIME GRANTED	Sep 15, 2009	
27	STIPULATION FOR AN EXTENSION OF TIME	Nov 24, 2009	
28	EXTENSION OF TIME GRANTED	Nov 24, 2009	
29	STIPULATION FOR AN EXTENSION OF TIME	Feb 08, 2010	
30	EXTENSION OF TIME GRANTED	Feb 08, 2010	
31	CHANGE OF CORRESPONDENCE ADDRESS	May 27, 2010	
32	STIPULATION FOR AN EXTENSION OF TIME	May 28, 2010	
33	EXTENSION OF TIME GRANTED	May 28, 2010	
34	STIPULATION FOR AN EXTENSION OF TIME	Jul 26, 2010	

35	EXTENSION OF TIME GRANTED	Jul 26, 2010
36	STIPULATION FOR AN EXTENSION OF TIME	Sep 22, 2010
37	EXTENSION OF TIME GRANTED	Sep 22, 2010
38	STIPULATION FOR AN EXTENSION OF TIME	Dec 06, 2010
39	EXTENSION OF TIME GRANTED	Dec 06, 2010
40	STIPULATION FOR AN EXTENSION OF TIME	Jan 18, 2011
41	EXTENSION OF TIME GRANTED	Jan 18, 2011
42	STIPULATION FOR AN EXTENSION OF TIME	Mar 28, 2011
43	EXTENSION OF TIME GRANTED	Mar 28, 2011
44	STIPULATION FOR AN EXTENSION OF TIME	May 23, 2011
45	EXTENSION OF TIME GRANTED	May 23, 2011
46	STIPULATION FOR AN EXTENSION OF TIME	Aug 18, 2011
47	EXTENSION OF TIME GRANTED	Aug 18, 2011
48	STIPULATION FOR AN EXTENSION OF TIME	Nov 21, 2011
49	EXTENSION OF TIME GRANTED	Nov 21, 2011
50	STIPULATION FOR AN EXTENSION OF TIME	Feb 13, 2012
51	EXTENSION OF TIME GRANTED	Feb 13, 2012
52	STIPULATION FOR AN EXTENSION OF TIME	May 11, 2012
53	EXTENSION OF TIME GRANTED	May 11, 2012
54	STIPULATION FOR AN EXTENSION OF TIME	Aug 01, 2012
55	EXTENSION OF TIME GRANTED	Aug 01, 2012
56	STIPULATION FOR AN EXTENSION OF TIME	Nov 20, 2012
57	EXTENSION OF TIME GRANTED	Nov 20, 2012
58	STIPULATION FOR AN EXTENSION OF TIME	Jan 23, 2013
59	EXTENSION OF TIME GRANTED	Jan 23, 2013
60	STIP FOR EXT	Mar 11, 2013
61	EXTENSION OF TIME GRANTED	Mar 11, 2013
62	P MOT FOR EXT W/ CONSENT	May 17, 2013
63	BD DECISION: SUSTAINED	May 21, 2013
64	TERMINATED	May 21, 2013

Type of Proceeding: Cancellation

Proceeding Number: 92032617

Filing Date: Nov 16, 2001

Status: Terminated

Status Date: Sep 19, 2006

Interlocutory Attorney: JYLL S TAYLOR

Defendant

Name: BAYER AKTIENGESELLSCHAFT

Correspondent Address: STANLEY C. MACEL III
CONNOLLY BOVE LODGE & HUTZ LLP
THE NEMOURS BUILDING, 1007 NORTH ORANGE STREET
WILMINGTON DE , 19801
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
INNOVAIR	Cancelled - Section 18	75771281	2443917
Plaintiff(s)			

Name: GLAXO GROUP LIMITED

Correspondent Address: JAMES A. THOMAS
PARKER POE ADAMS & BERNSTEIN LLP
P.O. BOX 389, 1400 WACHOVIA CAPITOL CENTER
RALEIGH NC , 27602-0389
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration
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ADVAIR		Renewed	<u>75595007</u>	<u>2628568</u>	Number
Prosecution History					
Entry Number	History Text	Date	Due Date		
1	FILED AND FEE	Nov 16, 2001			
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2001	Jan 23, 2002		
3	PENDING, INSTITUTED	Dec 14, 2001			
4	ANSWER	Jan 22, 2002			
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 01, 2002			
6	GRANTED P'S #5	Aug 15, 2002			
7	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 08, 2003			
8	GRANTED P'S #7	Apr 16, 2003			
9	P'S MOTION TO EXT W/CON	Apr 14, 2003			
10	DELETE ENTRY	Apr 28, 2003			
11	SUSPENDED	Apr 28, 2003			
12	D'S CHANGE OF ADDRESS	Sep 05, 2003			
13	PROCEEDINGS RESUMED	Dec 23, 2003			
14	OTHER FILING	Feb 20, 2004			
15	CHANGE OF ADDRESS	Feb 09, 2004			
16	PL'S CHANGE OF ADDRESS AND FIRM NAME	Feb 09, 2004			
17	OTHER FILING	Dec 09, 2004			
18	PL'S POWER OF ATTY	Dec 03, 2004			
19	DEF'S CANC OF REG W/CON	Dec 30, 2004			
20	BOARD'S DECISION: GRANTED	Mar 18, 2005			
21	COMMISSIONER'S ORDER CANCELLING THE REGISTRATION UNDER SECTION 7(E)	Sep 19, 2006			
22	TERMINATED	Sep 19, 2006			
23	TERMINATED	Sep 19, 2006			
Type of Proceeding: Opposition					
Proceeding Number: <u>91150552</u>		Filing Date: Oct 30, 2001			
Status: Terminated		Status Date: Feb 09, 2005			
Interlocutory Attorney: THOMAS W WELLINGTON					
Defendant					
Name: BAYER AKTIENGESELLSCHAFT					
Correspondent Address: STANLEY C. MACEL, III CONNOLLY BOVE LODGE & HUTZ, LLP THE NEMOURS BUILDING 1007 NORTH ORANGE STREET WILMINGTON DE , 19801 UNITED STATES					
Associated marks					
Mark	Application Status		Serial Number	Registration Number	
SPEVAIR	Abandoned - After Inter-Partes Decision		<u>76046054</u>		
Plaintiff(s)					
Name: GLAXO GROUP LIMITED					
Correspondent Address: JAMES A. THOMAS PARKER POE ADAMS & BERNSTEIN P.O. BOX 389 1400 WACHOVIA CAPITOL CENTER RALEIGH NC , 27602-0389 UNITED STATES					
Associated marks					
Mark	Application Status		Serial Number	Registration Number	
ADVAIR	Renewed		<u>75595007</u>	<u>2628568</u>	
Prosecution History					
Entry					

Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 30, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 24, 2002	Mar 05, 2002
3	PENDING, INSTITUTED	Jan 24, 2002	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 27, 2002	
5	EXTENSION GRANTED; ANSWER DUE 4/4/02	Mar 08, 2002	
6	STIPULATED MOTION TO EXTEND	Jun 28, 2002	
7	D'S MOTION FOR AN EXTENSION OF TIME	Jul 01, 2002	
8	SUSPENDED	Aug 09, 2002	
9	PROC RESUMED; ANSWER DUE 30 DAYS	Mar 25, 2003	
10	DEF'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER	Jun 17, 2003	
11	EXT GRANTED; ANSWER DUE 8/22/03	Jul 25, 2003	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 12, 2003	
13	SUSPENDED	Aug 22, 2003	
14	NOTICE OF CHANGE OF ADDRESS	Sep 05, 2003	
15	CHANGE OF ADDRESS AND FIRM NAME OF OPPOSER	Feb 09, 2004	
16	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Feb 20, 2004	
17	STIPULATION NOTED AND APPROVED	Apr 07, 2004	
18	OTHER FILING	Dec 09, 2004	
19	CHANGE OF ATTORNEY OF RECORD	Dec 16, 2004	
20	STIP W/D OF APPLICATION	Dec 30, 2004	
21	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 09, 2005	
22	TERMINATED	Feb 09, 2005	

APPLICANT'S EXHIBIT 2

Generated on: This page was generated by TSDR on 2015-07-02 16:26:38 EDT

Mark: ADVAIR DISKUS

US Serial Number: 75717896	Application Filing Date: Jun. 01, 1999
US Registration Number: 2505137	Registration Date: Nov. 06, 2001
Register: Principal	
Mark Type: Trademark	
Status: The registration has been renewed.	
Status Date: Feb. 08, 2011	
Publication Date: May 09, 2000	Notice of Allowance Date: Aug. 01, 2000

Mark Information

Mark Literal Elements: ADVAIR DISKUS
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 1817674

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Inhalers filled with pharmaceutical preparations for the treatment and alleviation of respiratory ailments

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 03, 2001

Use in Commerce: Apr. 03, 2001

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GLAXO GROUP LIMITED	
Owner Address: 980 GREAT WEST ROAD BRENTFORD MIDDLESEX TW8 9GS UNITED KINGDOM	
Legal Entity Type: CORPORATION	State or Country Where Organized: UNITED KINGDOM

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christopher M. Hanes
Attorney Primary Email Address: trademarks@gsk.com

Docket Number: REN/266993/0
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Christopher M. Hanes
 GLAXOSMITHKLINE
 FIVE MOORE DRIVE
 LGTM, C.3157.3D
 RESEARCH TRIANGLE PARK, NORTH CAROLINA 27709
 UNITED STATES

Phone: 919 483 2723
Correspondent e-mail: trademarks@gsk.com

Fax: 704 625 9190

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Diane K. Fry

Phone: 919 483 9618

Fax: 704 625 9190

Domestic Representative e-mail: trademarks@gsk.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
May 15, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 12, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 08, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Feb. 08, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 04, 2011	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	73376
Feb. 08, 2011	REVIEW OF CORRESPONDENCE COMPLETE	73376
Feb. 08, 2011	REVIEW OF CORRESPONDENCE COMPLETE	73376
Feb. 04, 2011	TEAS SECTION 8 & 9 RECEIVED	
May 12, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 06, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 06, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 24, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Oct. 29, 2007	ASSIGNED TO PARALEGAL	73376
Oct. 17, 2007	TEAS SECTION 8 & 15 RECEIVED	
Oct. 17, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 17, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 12, 2007	CASE FILE IN TICRS	
Nov. 06, 2001	REGISTERED-PRINCIPAL REGISTER	
Jun. 12, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 12, 2001	ASSIGNED TO EXAMINER	74829
Jun. 08, 2001	STATEMENT OF USE PROCESSING COMPLETE	
May 25, 2001	EXTENSION 2 GRANTED	
May 11, 2001	USE AMENDMENT FILED	
May 11, 2001	EXTENSION 2 FILED	
Feb. 21, 2001	EXTENSION 1 GRANTED	
Jan. 15, 2001	EXTENSION 1 FILED	
Aug. 01, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 09, 2000	PUBLISHED FOR OPPOSITION	
Apr. 08, 2000	NOTICE OF PUBLICATION	

Dec. 27, 1999 APPROVED FOR PUB - PRINCIPAL REGISTER
Dec. 20, 1999 EXAMINER'S AMENDMENT MAILED
Nov. 23, 1999 EXAMINER'S AMENDMENT MAILED
Oct. 25, 1999 EXAMINER'S AMENDMENT MAILED
Oct. 01, 1999 NON-FINAL ACTION MAILED
Sep. 09, 1999 ASSIGNED TO EXAMINER

76516

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 06, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 08, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Glaxo Group Limited

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4913/0266

Pages: 160

Date Recorded: Dec. 05, 2012

Supporting Documents: [assignment-tm-4913-0266.pdf](#)

Assignor

Name: GLAXO GROUP LIMITED

Execution Date: Oct. 01, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Assignee

Name: GLAXOSMITHKLINE INTELLECTUAL PROPERTY MANAGEMENT LIMITED

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Address: 980 GREAT WEST ROAD
BRENTFORD MIDDLESEX, UNITED KINGDOM TW8 9GS

Correspondent

Correspondent Name: CHRISTOPHER M. HANES

Correspondent Address: FIVE MOORE DRIVE
LGTM, C.3157.3D
RESEARCH TRIANGLE PA, NC 27709

Domestic Representative

Domestic Representative Name: CHRISTOPHER M. HANES

Domestic Representative Address: FIVE MOORE DRIVE
LGTM, C.3157.3D
RESEARCH TRIANGLE PA, NC 27709

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5022/0083

Pages: 366

Date Recorded: May 07, 2013

Supporting Documents: [assignment-tm-5022-0083.pdf](#)

Assignor

Name: GLAXOSMITHKLINE INTELLECTUAL
PROPERTY MANAGEMENT LIMITED

Execution Date: Mar. 27, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Assignee	
Name: <u>GLAXO GROUP LIMITED</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: UNITED KINGDOM
Address: 980 GREAT WEST ROAD BRENTFORD MIDDLESEX, UNITED KINGDOM TW8 9GS	
Correspondent	
Correspondent Name: CHRISTOPHER M. HANES	
Correspondent Address: FIVE MOORE DRIVE LGTM, C.3157.3D RESEARCH TRIANGLE PA, NC 27709	
Domestic Representative	
Domestic Representative Name: CHRISTOPHER M. HANES	
Domestic Representative Address: FIVE MOORE DRIVE LGTM, C.3157.3D RESEARCH TRIANGLE PA, NC 27709	

Proceedings

Summary			
Number of Proceedings: 6			
Type of Proceeding: Extension of Time			
Proceeding Number: <u>76046053</u>		Filing Date:	
Status: Terminated		Status Date: Apr 23, 2003	
Interlocutory Attorney:			
Defendant			
Name: Bayer Aktiengesellschaft			
Correspondent Address: STANLEY C. MACEL, III CONNOLLY BOVE LODGE & HUTZ LLP PO BOX 2207 WILMINGTON DE , 19899-2207 UNITED STATES			
Associated marks			
Mark	Application Status	Serial Number	Registration Number
MIRIVAIR	Abandoned - After Inter-Partes Decision	<u>76046053</u>	
Potential Opposer(s)			
Name: Glaxo Group Limited			
Correspondent Address: P.O. Box 13398 Five Moore Drive Research Triangle Pa NC , 27709 UNITED STATES			
Name: Glaxo Group Limited			
Correspondent Address: David A. Harlow Moore & Van Allen, PLLC 2200 West Main Street, Suite 800 PO Box 3843 Durham NC , 27702-3843 UNITED STATES			

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>
Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 23, 2002	
2	EXTENSION OF TIME GRANTED	Nov 13, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Nov 04, 2002	
4	EXTENSION OF TIME GRANTED	Nov 13, 2002	
5	INCOMING - EXT TIME TO OPPOSE FILED	Dec 03, 2002	
6	EXTENSION OF TIME GRANTED	Mar 11, 2003	
7	INCOMING - EXT TIME TO OPPOSE FILED	Jan 31, 2003	

8	EXTENSION OF TIME GRANTED	Mar 11, 2003
9	CORRECTED EXTENSION OF TIME	Mar 24, 2003
10	CORRECTION TO EXTENSION OF TIME	Mar 24, 2003
11	UNDELIVERABLE MAIL	Mar 26, 2003
12	INCOMING - EXT TIME TO OPPOSE FILED	Mar 21, 2003
13	EXTENSION OF TIME GRANTED	Apr 23, 2003

Type of Proceeding: Extension of Time

Proceeding Number: 76046056

Filing Date:

Status: Terminated

Status Date:

Interlocutory Attorney:

Defendant

Name: Bayer Aktiengesellschaft

Correspondent Address: STANLEY C. MACEL, III
CONNOLLY BOVE LODGE & HUTZ
PO BOX 2207
WILMINGTON DE , 19899
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUVAIR	Abandoned - After Inter-Partes Decision	<u>76046056</u>	

Potential Opposer(s)

Name: Glaxo Group Limited

Correspondent Address: P.O. Box 13398
Five Moore Drive
Research Triangle PA NC , 27709
UNITED STATES

Name: Glaxo Group Limited

Correspondent Address: DAVID A. HARLOW
MORRE & VAN ALLEN, PLLC
2200 WEST MAIN STREET, SUITE 800, P.O. BOX 3843
DURHAM NC , 27702-3843
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>

Name: GLAXO GROUP LIMITED

Correspondent Address: DAVID A. HARLOW
MOORE & VAN ALLEN
2200 WEST MAIN STREET
DURHAM NC , 27705-4658
UNITED STATES

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Oct 15, 2002	
2	EXTENSION OF TIME GRANTED	Mar 18, 2003	
3	INCOMING - EXT TIME TO OPPOSE FILED	Nov 21, 2002	
4	EXTENSION OF TIME GRANTED	Mar 18, 2003	
5	TERMINATED	Jun 17, 2003	

Type of Proceeding: Cancellation

Proceeding Number: 92057507

Filing Date: Jul 12, 2013

Status: Terminated

Status Date: Nov 19, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Stallergenes SA

Correspondent Address: MARK A NIEDS
IPHORGAN LTD
1130 W LAKE COOK RD, STE 240
BUFFALO GROVE IL , 60089

UNITED STATES

Correspondent e-mail: mnieds@iphorgan.net , mail@iphorgan.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTAIR	IR CANCELLED; US REGISTRATION CANCELLED	<u>79078420</u>	<u>3860970</u>

Plaintiff(s)

Name: Glaxo Group Limited

Correspondent Address: PAUL C LLEWELLYN
KAYE SCHOLER LLP
425 PARK AVENUE
NEW YORK NY , 10022-3598
UNITED STATES

Correspondent e-mail: paul.llewellyn@kayescholer.com, john.rynkiewicz@kayescholer.com, darya.laufer@kayescholer.com, john.eisheid@kayescholer.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 12, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 15, 2013	Aug 24, 2013
3	PENDING, INSTITUTED	Jul 15, 2013	
4	PL'S PROOF OF SERVICE	Jul 15, 2013	
5	STIP FOR EXT	Aug 21, 2013	
6	EXTENSION OF TIME GRANTED	Aug 21, 2013	
7	ANSWER	Sep 20, 2013	
8	VOLUNTARY SURRENDER OF REGISTRATION	Oct 21, 2013	
9	BD DECISION: DISMISSED W/O PREJ	Nov 18, 2013	
10	COMMR ORDER CANCELLING REG	Nov 19, 2013	
11	TERMINATED	Nov 19, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91181284

Filing Date: May 17, 2013

Status: Terminated

Status Date: May 21, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Bang & Olufsen Medicom A/S

Correspondent Address: BASSAM N IBRAHIM
BUCHANAN INGERSOLL & ROONEY PC
PO BOX 1404
ALEXANDRIA VA , 22313-1404
UNITED STATES

Correspondent e-mail: lloyd.smith@bipc.com , bua@medicomnordic.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ASMAIR	IR CANCELLED; US APPLICATION ABANDONED	<u>79033705</u>	

Plaintiff(s)

Name: Glaxo Group Limited

Correspondent Address: KEITH E SHARKIN
DICKSTEIN SHAPIRO LLP
1633 BROADWAY
NEW YORK NY , 10019-6708
UNITED STATES

Correspondent e-mail: sharkink@dicksteinshapiro.com , lackertc@dicksteinshapiro.com , goodwillj@dicksteinshapiro.com , ipdocketing-ny@dicksteinshapiro.com

Holaira001541

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>
ADVAIR	Cancelled - Section 8	<u>76114821</u>	<u>2636615</u>
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>
ADVAIR "DISKUS"	Cancelled - Section 8	<u>76114822</u>	<u>2716959</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2007	Jan 23, 2008
3	PENDING, INSTITUTED	Dec 14, 2007	
4	ANSWER	Jan 23, 2008	
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 21, 2008	
6	EXTENSION OF TIME GRANTED	Apr 07, 2008	
7	D'S FILING OF INITIAL DISCLOSURES	Apr 22, 2008	
8	INITIAL DISCLOSURES NOT CONSIDERED	Apr 29, 2008	
9	STIPULATION FOR AN EXTENSION OF TIME	Jun 09, 2008	
10	EXTENSION OF TIME GRANTED	Jun 09, 2008	
11	STIPULATION FOR AN EXTENSION OF TIME	Jul 17, 2008	
12	EXTENSION OF TIME GRANTED	Jul 17, 2008	
13	STIPULATION FOR AN EXTENSION OF TIME	Sep 23, 2008	
14	EXTENSION OF TIME GRANTED	Sep 23, 2008	
15	STIPULATION FOR AN EXTENSION OF TIME	Dec 15, 2008	
16	EXTENSION OF TIME GRANTED	Dec 15, 2008	
17	STIPULATION FOR AN EXTENSION OF TIME	Jan 16, 2009	
18	EXTENSION OF TIME GRANTED	Jan 16, 2009	
19	STIPULATION FOR AN EXTENSION OF TIME	Mar 25, 2009	
20	EXTENSION OF TIME GRANTED	Mar 25, 2009	
21	STIPULATION FOR AN EXTENSION OF TIME	May 13, 2009	
22	EXTENSION OF TIME GRANTED	May 13, 2009	
23	STIPULATION FOR AN EXTENSION OF TIME	Jul 16, 2009	
24	EXTENSION OF TIME GRANTED	Jul 16, 2009	
25	STIPULATION FOR AN EXTENSION OF TIME	Sep 15, 2009	
26	EXTENSION OF TIME GRANTED	Sep 15, 2009	
27	STIPULATION FOR AN EXTENSION OF TIME	Nov 24, 2009	
28	EXTENSION OF TIME GRANTED	Nov 24, 2009	
29	STIPULATION FOR AN EXTENSION OF TIME	Feb 08, 2010	
30	EXTENSION OF TIME GRANTED	Feb 08, 2010	
31	CHANGE OF CORRESPONDENCE ADDRESS	May 27, 2010	
32	STIPULATION FOR AN EXTENSION OF TIME	May 28, 2010	
33	EXTENSION OF TIME GRANTED	May 28, 2010	
34	STIPULATION FOR AN EXTENSION OF TIME	Jul 26, 2010	
35	EXTENSION OF TIME GRANTED	Jul 26, 2010	
36	STIPULATION FOR AN EXTENSION OF TIME	Sep 22, 2010	
37	EXTENSION OF TIME GRANTED	Sep 22, 2010	
38	STIPULATION FOR AN EXTENSION OF TIME	Dec 06, 2010	
39	EXTENSION OF TIME GRANTED	Dec 06, 2010	
40	STIPULATION FOR AN EXTENSION OF TIME	Jan 18, 2011	

41	EXTENSION OF TIME GRANTED	Jan 18, 2011
42	STIPULATION FOR AN EXTENSION OF TIME	Mar 28, 2011
43	EXTENSION OF TIME GRANTED	Mar 28, 2011
44	STIPULATION FOR AN EXTENSION OF TIME	May 23, 2011
45	EXTENSION OF TIME GRANTED	May 23, 2011
46	STIPULATION FOR AN EXTENSION OF TIME	Aug 18, 2011
47	EXTENSION OF TIME GRANTED	Aug 18, 2011
48	STIPULATION FOR AN EXTENSION OF TIME	Nov 21, 2011
49	EXTENSION OF TIME GRANTED	Nov 21, 2011
50	STIPULATION FOR AN EXTENSION OF TIME	Feb 13, 2012
51	EXTENSION OF TIME GRANTED	Feb 13, 2012
52	STIPULATION FOR AN EXTENSION OF TIME	May 11, 2012
53	EXTENSION OF TIME GRANTED	May 11, 2012
54	STIPULATION FOR AN EXTENSION OF TIME	Aug 01, 2012
55	EXTENSION OF TIME GRANTED	Aug 01, 2012
56	STIPULATION FOR AN EXTENSION OF TIME	Nov 20, 2012
57	EXTENSION OF TIME GRANTED	Nov 20, 2012
58	STIPULATION FOR AN EXTENSION OF TIME	Jan 23, 2013
59	EXTENSION OF TIME GRANTED	Jan 23, 2013
60	STIP FOR EXT	Mar 11, 2013
61	EXTENSION OF TIME GRANTED	Mar 11, 2013
62	P MOT FOR EXT W/ CONSENT	May 17, 2013
63	BD DECISION: SUSTAINED	May 21, 2013
64	TERMINATED	May 21, 2013

Type of Proceeding: Opposition

Proceeding Number: 91150614

Filing Date: Oct 30, 2001

Status: Terminated

Status Date: Feb 15, 2005

Interlocutory Attorney:

Defendant

Name: BAYER AKTIENGESELLSCHAFT

Correspondent Address: STANLEY C. MACEL, III
CONNOLLY BOVE LODGE & HUTZ LLP
THE NEMOURS BUILDING, 1007 NORTH ORANGE STREET
WILMINGTON DE , 19801
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
MIRIVAIR	Abandoned - After Inter-Partes Decision	<u>76046053</u>	

Plaintiff(s)

Name: GLAXO GROUP LIMITED

Correspondent Address: JAMES A. THOMAS
PARKER POE ADAMS AND BERNSTEIN LLP
POST OFFICE BOX 389, 1400 WACHOVIA CAPITAL CTR.
RALEIGH NC , 27602-0389
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 30, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 30, 2002	Mar 11, 2002

3	PENDING, INSTITUTED	Jan 30, 2002
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 27, 2002
5	ANSWER DUE 4/10/02	Mar 07, 2002
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 04, 2002
7	SUSPENDED	Apr 23, 2002
8	BOARD'S COMMUNICATION/PROCEEDINGS REMAIN SUSPENDED	Nov 15, 2002
9	PROCEEDINGS RESUMED AND APPLICANT ALLOWED THIRTY DAYS FROM MAILING OF THIS ORDER TO FILE ANSWER	Jan 06, 2003
10	DEF'S THIRD CONSENTED TO MOTION TO EXTEND TIME TO RESPOND TO THE NOTICE OF OPPOSITION	Jan 17, 2003
11	STIPULATION NOTED AND APPROVED	Jan 27, 2003
12	NOTICE OF DEFAULT	Jun 02, 2003
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 14, 2003
14	MOTION TO EXT TIME GRANTED; ANSWER DUE JUNE 30, 2003	Jun 17, 2003
15	DEF'S CONSENTED MOTION TO EXT TIME	Jun 17, 2003
16	SUSPENDED	Jun 23, 2003
17	DEF'S NOTICE OF CHANGE OF ADDRESS	Sep 05, 2003
18	PROCEEDINGS RESUMED	Jan 26, 2004
19	P'S CHANGE OF ADDRESS	Feb 09, 2004
20	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Feb 20, 2004
21	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 23, 2004
22	SUSPENDED	Feb 27, 2004
23	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 23, 2004
24	PROCEEDINGS RESUMED	Sep 27, 2004
25	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 25, 2004
26	ANSWER DUE: 12-26-04.	Nov 24, 2004
27	CHANGE OF ATTORNEY AND ADDRESS CHANGE	Dec 06, 2004
28	DEF'S CONSENT TO MOTION TO EXT TIME TO RESPOND TO THE NOTICE OF OPPOSITION	Dec 17, 2004
29	WITHDRAWAL OF APPLICATION WITH CONSENT	Dec 30, 2004
30	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 15, 2005
31	TERMINATED	Feb 15, 2005

Type of Proceeding: Opposition

Proceeding Number: 91151128

Filing Date: Oct 26, 2001

Status: Terminated

Status Date: Feb 11, 2005

Interlocutory Attorney: FRANCES S WOLFSON

Defendant

Name: BAYER AKTIENGESELLSCHAFT

Correspondent Address: STANLEY C. MACEL, III
CONNOLLY BOVE LODGE & HUTZ, LLP
THE NEMOURS BUILDING, 1007 NORTH ORANGE STREET
WILMINGTON DE , 19801
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TRUVAIR	Abandoned - After Inter-Partes Decision	<u>76046056</u>	
Plaintiff(s)			

Name: GLAXO GROUP LIMITED

Correspondent Address: JAMES A. THOMAS
PARKER POE ADAMS & BERNSTEIN L.L.P.
PO BOX 389, 1400 WACHOVIA CAPITOL CENTER
RALEIGH NC , 27602-0389
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration
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ADVAIR DISKUS		Renewed	<u>75717896</u>	Number <u>2505137</u>
Prosecution History				
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Oct 26, 2001		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 20, 2002	Apr 29, 2002	
3	PENDING, INSTITUTED	Mar 20, 2002		
4	DEF'S REQ TO EXT W/CON	Apr 25, 2002		
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 24, 2002		
6	SUSPENDED	Jul 09, 2002		
7	STIPULATION FOR AN EXTENSION OF TIME	Jul 01, 2002		
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 19, 2002		
9	ANSWER	Oct 25, 2002		
10	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 08, 2003		
11	SUSPENDED	Mar 04, 2003		
12	DEF'S CHANGE OF ADDRESS	Sep 05, 2003		
13	PROCEEDINGS RESUMED	Nov 22, 2003		
14	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Feb 20, 2004		
15	PL'S CHANGE OF ADDRESS AND FIRM NAME	Feb 09, 2004		
16	SUSPENDED	Mar 09, 2004		
17	OTHER FILING	Dec 09, 2004		
18	1	Dec 03, 2004		
19	STIP W/D OF APP ON CONSENT	Dec 30, 2004		
20	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 11, 2005		
21	TERMINATED	Feb 11, 2005		

APPLICANT'S EXHIBIT 3

Generated on: This page was generated by TSDR on 2015-07-03 14:49:07 EDT

Mark: AEROBID

US Serial Number: 73407461 Application Filing Date: Dec. 27, 1982
US Registration Number: 1347122 Registration Date: Jul. 09, 1985
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Feb. 01, 2006
Publication Date: Jul. 24, 1984

Mark Information

Mark Literal Elements: AEROBID
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: PHARMACEUTICAL PREPARATIONS-NAMELY, STEROID

International Class(es): 005 - Primary Class

U.S Class(es): 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 17, 1982

Use in Commerce: Dec. 17, 1982

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: FOREST LABORATORIES, INC.
Owner Address: 909 THIRD AVENUE
NEW YORK, NEW YORK 10022
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney Name: CHRISTOPHER SERBAGI
Attorney of Record
Correspondent

Holaira001622

Correspondent Christopher Serbagi
Name/Address: THE SERBAGI LAW FIRM
488 MADISON AVE STE 1120
NEW YORK, NEW YORK 10022-5719
UNITED STATES

Phone: 212-593-2112

Fax: 212-308-8582

Correspondent e-mail: ptoomails@earthlink.net david@serbagilaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 08, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 08, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 03, 2008	CASE FILE IN TICRS	
Feb. 01, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Feb. 01, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 20, 2006	ASSIGNED TO PARALEGAL	69471
Jul. 07, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jul. 08, 2005	TEAS SECTION 15 RECEIVED	
Jul. 07, 2005	TEAS SECTION 8 & 9 RECEIVED	
Oct. 28, 1991	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Jun. 21, 1991	REGISTERED - SEC. 8 (6-YR) FILED	
Jul. 09, 1985	REGISTERED-PRINCIPAL REGISTER	
May 03, 1985	OPPOSITION TERMINATED NO. 999999	70864
Apr. 16, 1985	OPPOSITION DISMISSED NO. 999999	70864
Apr. 16, 1985	OPPOSITION DISMISSED NO. 999999	70864
Mar. 18, 1985	OPPOSITION INSTITUTED NO. 999999	70864
Jul. 24, 1984	PUBLISHED FOR OPPOSITION	
May 21, 1984	NOTICE OF PUBLICATION	
Apr. 11, 1984	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 26, 1984	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 29, 1983	NON-FINAL ACTION MAILED	
Sep. 21, 1983	ASSIGNED TO EXAMINER	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Renewal Date: Jul. 09, 2005

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jun. 03, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: SYNTEX PHARMACEUTICALS
INTERNATIONAL LIMITED

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0472/0020

Pages: 1

Date Recorded: Jul. 23, 1984

Holaira001623

Supporting Documents: No Supporting Documents Available

Assignor

Name: SYNTEX (U.S.A.) INC.
Legal Entity Type: CORPORATION

Execution Date: Apr. 13, 1984
State or Country Where Organized: DELAWARE

Assignee

Name: SYNTEX PHARMACEUTICALS INTERNATIONAL LIMITED
Legal Entity Type: CORPORATION

State or Country Where Organized: BERMUDA

Address: CORNER HOUSE, CHURCH ST.
HAMILTON 5, BERMUDA

Correspondent

Correspondent Name: SYNTEX INTERNATIONAL LTD.
Correspondent Address: P.O. BOX 10850
3401 HILLVIEW AVE.
PALO ALTO, CA 94303

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
Reel/Frame: 1300/0347 Pages: 2
Date Recorded: Mar. 01, 1995
Supporting Documents: No Supporting Documents Available

Assignor

Name: SYNTEX PHARMACEUTICALS INTERNATIONAL LIMITED
Legal Entity Type: CORPORATION

Execution Date: Jan. 18, 1995
State or Country Where Organized: BERMUDA

Assignee

Name: FOREST LABORATORIES, INC.
Legal Entity Type: CORPORATION
Address: 909 THIRD AVENUE
NEW YORK, NEW YORK 10022

State or Country Where Organized: DELAWARE

Correspondent

Correspondent Name: ROSENMAN & COLIN
Correspondent Address: MARK H. SPARROW, ESQ.
INTELLECTUAL PROPERTY DEPARTMENT
575 MADISON AVENUE
NEW YORK, NEW YORK 10022-2585

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91070864 Filing Date: Jan 29, 1985
Status: Terminated Status Date: May 03, 1985
Interlocutory Attorney: THOMAS J QUINN

Defendant

Name: SYNTEX PHARMACEUTICALS INTERNATIONAL LIMITED, ASSIGNEE OF SYNTEX (U.S.A.) INC.
Correspondent Address: DIANA J. AUGER OR
NORMAN P. ROUSSEAU
3401 HILLVIEW AVENUE
PALO ALTO CA , 94304
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROBID	Renewed	<u>73407461</u>	<u>1347122</u>

Plaintiff(s)

Name: KEY PHARMACEUTICALS, INC.

Correspondent Address: PATTISHALL, MCAULIFFE & HOFSTETTER
33 WEST MONROE STREET
CHICAGO IL , 60603
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 29, 1985	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Mar 18, 1985	May 17, 1985
3	PENDING, INSTITUTED	Mar 18, 1985	
4	2(D) CONFUSION/MISTAKE/DECEPTION W MARK	Apr 05, 1985	
5	WITHDRAWAL OF OPPOSITION	Mar 08, 1985	
6	BD'S DECISION: DISMISSED W/O PREJUDICE	Apr 16, 1985	
7	TERMINATED	May 03, 1985	

APPLICANT'S EXHIBIT 4

Generated on: This page was generated by TSDR on 2015-07-02 16:28:52 EDT

Mark: AIR GUARD

AIR GUARD

US Serial Number: 77200261

Application Filing Date: Jun. 07, 2007

US Registration Number: 3548868

Registration Date: Dec. 23, 2008

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jan. 10, 2015

Publication Date: Oct. 07, 2008

Mark Information

Mark Literal Elements: AIR GUARD

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "AIR"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *, * identify additional (new) wording in the goods/services.

For: respiratory masks for non-medical purposes

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2002

Use in Commerce: Sep. 2002

For: respiratory masks for medical purposes

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2002

Use in Commerce: Sep. 2002

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Polar Wrap, LLC

Owner Address: 6047 Executive Center Drive #8
Memphis, TENNESSEE 38134
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: TENNESSEE

Attorney/Correspondence Information

Holaira001546

Attorney of Record

Attorney Name: James D. Stevens
Attorney Primary Email Address: stevens@reising.com

Docket Number: 1699-3027-1
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: JAMES D. STEVENS
REISING ETHINGTON PC
PO BOX 4390
TROY, MICHIGAN 48099-4390
UNITED STATES

Phone: 248-689-3500

Fax: 248-689-4071

Correspondent e-mail: stevens@reising.com docketing@reising.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jan. 10, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Jan. 10, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Jan. 10, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Dec. 22, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 22, 2010	SEC 7 REQUEST FILED	75184
Aug. 23, 2010	CERTIFICATE OF CORRECTION ISSUED	75184
Aug. 23, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Aug. 22, 2010	TEAS SECTION 7 REQUEST RECEIVED	
Dec. 23, 2008	REGISTERED-PRINCIPAL REGISTER	
Oct. 07, 2008	PUBLISHED FOR OPPOSITION	
Sep. 17, 2008	NOTICE OF PUBLICATION	
Sep. 03, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Sep. 03, 2008	ASSIGNED TO LIE	70633
Aug. 25, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 15, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 15, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 15, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 15, 2008	NON-FINAL ACTION MAILED	
Feb. 14, 2008	NON-FINAL ACTION WRITTEN	83280
Jan. 24, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 23, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 23, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 23, 2007	NON-FINAL ACTION MAILED	
Jul. 20, 2007	NON-FINAL ACTION WRITTEN	83280
Jul. 20, 2007	ASSIGNED TO EXAMINER	83280
Jun. 12, 2007	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Change in Registration: Yes

Correction made to Registration: In the statement, Column 1, line 1, "POLARWRAP, LLC", should be deleted and Polar Wrap, LLC, should be inserted.

TM Staff and Location Information

Holaira001547

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 107

Date in Location: Jan. 10, 2015

APPLICANT'S EXHIBIT 5

Generated on: This page was generated by TSDR on 2015-07-02 16:31:59 EDT

Mark: AIRDELA

AIRDELA

US Serial Number: 85251642
US Registration Number: 4028722
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Sep. 20, 2011
Publication Date: Jul. 05, 2011
Application Filing Date: Feb. 25, 2011
Registration Date: Sep. 20, 2011

Mark Information

Mark Literal Elements: AIRDELA
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3516756

Foreign Information

Foreign Registration Number: 2776676
Foreign Registration Date: Dec. 05, 2007
Foreign Application/Registration Country: SPAIN
Foreign Expiration Date: Dec. 05, 2017

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for treating respiratory diseases, supplied in pre-filled inhalers

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: Inhalers for medical purposes

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Almirall, S.A.

Holaira001549

Owner Address: Ronda del General Mitre, 151
Barcelona 08022
SPAIN

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** SPAIN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Upton Douglass
Attorney Primary Email Address: sdouglass@frosszelnick.com

Docket Number: LABA 1101736
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK, NEW YORK 10017-1822
UNITED STATES

Phone: 212-813-5900

Fax: 212-813-5901

Correspondent e-mail: sdouglass@frosszelnick.com

Correspondent e-mail Authorized: No

Domestic Representative

Domestic Representative Name: Susan Upton Douglass

Phone: 212-813-5900

Fax: 212-813-5901

Domestic Representative e-mail: sdouglass@frosszelnick.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Sep. 20, 2011	REGISTERED-PRINCIPAL REGISTER	
Jul. 05, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 05, 2011	PUBLISHED FOR OPPOSITION	
May 29, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 28, 2011	ASSIGNED TO EXAMINER	74671
Mar. 02, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 01, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 20, 2011

APPLICANT'S EXHIBIT 6

Generated on: This page was generated by TSDR on 2015-07-02 16:37:30 EDT

Mark: AIREGO

AIREGO

US Serial Number: 86013238
US Registration Number: 4571015
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jul. 22, 2014
Publication Date: Mar. 11, 2014

Application Filing Date: Jul. 17, 2013

Registration Date: Jul. 22, 2014

Mark Information

Mark Literal Elements: AIREGO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Foreign Registration Number: 011086303

Foreign Registration Date: Mar. 12, 2013

Foreign Application/Registration Country: EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

Foreign Expiration Date: Jul. 22, 2022

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for prevention and treatment of diseases of the respiratory tract

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: Medical apparatus and instruments for the administration of medicinal substances for the prevention and treatment of diseases of the respiratory tract

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ZAMBON S.P.A.

Owner Address: Via Lillo del Duca 10
Bresso (MI) 20091
ITALY

Holaira001551

Legal Entity Type: CORPORATION

State or Country Where
Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jeffrey H. Kaufman
Attorney Primary Email Address: tmddocket@oblon.com

Docket Number: 419269US
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JEFFREY H. KAUFMAN
Oblon, McClelland, Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria, VIRGINIA 22314
UNITED STATES

Phone: 703-413-3000**Fax:** 703-413-2220**Correspondent e-mail:** tmddocket@oblon.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jeffrey H. Kaufman
Fax: 7034132220

Phone: 7034133000

Domestic Representative e-mail: tmddocket@oblon.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Feb. 12, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 22, 2014	REGISTERED-PRINCIPAL REGISTER	
Jun. 16, 2014	1(B) BASIS DELETED; PROCEED TO REGISTRATION	61813
May 30, 2014	NOTICE OF ALLOWANCE CANCELLED	61813
Jun. 16, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
May 30, 2014	TEAS DELETE 1(B) BASIS RECEIVED	
May 06, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 11, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 11, 2014	PUBLISHED FOR OPPOSITION	
Feb. 19, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 01, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Feb. 01, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 21, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Jan. 21, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Jan. 17, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 04, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 04, 2013	NON-FINAL ACTION E-MAILED	6325
Nov. 04, 2013	NON-FINAL ACTION WRITTEN	80818
Oct. 28, 2013	ASSIGNED TO EXAMINER	80818
Sep. 26, 2013	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	68171
Sep. 20, 2013	ASSIGNED TO LIE	68171
Sep. 19, 2013	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jul. 25, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Jul. 24, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 20, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

Holaira001552

APPLICANT'S EXHIBIT 7

Generated on: This page was generated by TSDR on 2015-07-02 16:35:37 EDT

Mark: AIRFEV

AIRFEV

US Serial Number: 85660898
US Registration Number: 4330882
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 07, 2013
Publication Date: Feb. 19, 2013
Application Filing Date: Jun. 25, 2012
Registration Date: May 07, 2013

Mark Information

Mark Literal Elements: AIRFEV
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3103078

Foreign Information

Foreign Registration Number: 3803954
Foreign Registration Date: Nov. 24, 2006
Foreign Application/Registration Country: EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)
Foreign Expiration Date: Apr. 28, 2014

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for the treatment of the respiratory diseases

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Almirall, S.A.
Owner Address: Ronda del General Mitre, 151
08022 Barcelona
SPAIN
Legal Entity Type: CORPORATION
State or Country Where Organized: SPAIN

Holaira001554

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Upton Douglass
Attorney Primary Email Address: sdouglass@frosszelnick.com

Docket Number: LABA 1204409

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK, NEW YORK 10017-1822
UNITED STATES

Phone: 212-813-5900

Fax: 212-813-5901

Correspondent e-mail: sdouglass@frosszelnick.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Susan Upton Douglass

Phone: 212-813-5900

Fax: 212-813-5901

Domestic Representative e-mail: sdouglass@frosszelnick.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
May 07, 2013	REGISTERED-PRINCIPAL REGISTER	
Feb. 19, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 19, 2013	PUBLISHED FOR OPPOSITION	
Jan. 30, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 16, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jan. 16, 2013	ASSIGNED TO LIE	66121
Jan. 02, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 22, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 21, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 21, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 15, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 15, 2012	NON-FINAL ACTION E-MAILED	6325
Oct. 15, 2012	NON-FINAL ACTION WRITTEN	85324
Oct. 11, 2012	ASSIGNED TO EXAMINER	85324
Jul. 03, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 28, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 07, 2013

APPLICANT'S EXHIBIT 8

Generated on: This page was generated by TSDR on 2015-07-02 16:37:03 EDT

Mark: AIRFIT

AIRFIT

US Serial Number: 86004318
US Registration Number: 4569784
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jul. 15, 2014
Publication Date: Mar. 04, 2014
Application Filing Date: Jul. 08, 2013
Registration Date: Jul. 15, 2014
Notice of Allowance Date: Apr. 29, 2014

Mark Information

Mark Literal Elements: AIRFIT
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Respiratory masks for medical purposes and parts therefor; Headgear for medical respiratory masks and parts therefor

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 13, 2014

Use in Commerce: Jan. 13, 2014

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ResMed Limited
Owner Address: 1 Elizabeth Macarthur Drive
Bella Vista, NSW 2153
AUSTRALIA
Legal Entity Type: CORPORATION
State or Country Where Organized: AUSTRALIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gabrielle A. Holley
Attorney Primary Email Address: westdocket@holleymenker.com
Docket Number: 1356.TM2784U
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GABRIELLE A. HOLLEY
HOLLEY & MENKER, P.A.
PO BOX 96

Holaira001556

SOLANA BEACH, CALIFORNIA 92075-0096
UNITED STATES

Phone: 888 750 4407

Fax: 858 876 1604

Correspondent e-mail: westdocket@holleymenker.com gholley@holleymenker.com gabrielleholley@gmail.com

Correspondent e-mail Yes
Authorized:

Domestic Representative

Domestic Representative Name: Gabrielle A. Holley

Phone: 888 750 4407

Fax: 858 876 1604

Domestic Representative e-mail: westdocket@holleymenker.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jul. 15, 2014	REGISTERED-PRINCIPAL REGISTER	
Jun. 11, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 10, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Jun. 08, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 07, 2014	STATEMENT OF USE PROCESSING COMPLETE	61813
May 13, 2014	USE AMENDMENT FILED	61813
Jun. 05, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
May 13, 2014	TEAS STATEMENT OF USE RECEIVED	
Apr. 29, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 04, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 04, 2014	PUBLISHED FOR OPPOSITION	
Feb. 12, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 24, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jan. 24, 2014	ASSIGNED TO LIE	68171
Dec. 31, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 03, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 02, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 02, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 28, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 28, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 28, 2013	NON-FINAL ACTION WRITTEN	67512
Oct. 18, 2013	ASSIGNED TO EXAMINER	67512
Jul. 18, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Jul. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 11, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 10, 2014

Holaira001557

APPLICANT'S EXHIBIT 9

Generated on: This page was generated by TSDR on 2015-07-02 16:34:12 EDT

Mark: AIRFLUSOL

AIRFLUSOL

US Serial Number: 79116738

Application Filing Date: Jul. 24, 2012

US Registration Number: 4277894

Registration Date: Jan. 22, 2013

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jan. 22, 2013

Publication Date: Nov. 06, 2012

Mark Information

Mark Literal Elements: AIRFLUSOL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1126246

International Registration Date: Jul. 24, 2012

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations, namely bronchodilating and anti-asthma preparations

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: NOVARTIS AG

Owner Address: CH-4002 Basel
SWITZERLAND

Legal Entity Type: Aktiengesellschaft

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: Sandoz International GmbH
Industriestrasse 25
83607 Holzkirchen
GERMANY

Holaira001558

Prosecution History

Date	Description	Proceeding Number
Apr. 20, 2013	NOTIFICATION PROCESSED BY IB	
Feb. 23, 2013	FINAL DISPOSITION NOTICE SENT TO IB	
Feb. 23, 2013	FINAL DISPOSITION PROCESSED	68359
Feb. 21, 2013	GRANT OF PROTECTION CREATED, TO BE SENT TO IB	
Jan. 22, 2013	REGISTERED-PRINCIPAL REGISTER	
Nov. 19, 2012	NOTIFICATION PROCESSED BY IB	
Nov. 06, 2012	PUBLISHED FOR OPPOSITION	
Oct. 17, 2012	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Oct. 17, 2012	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Oct. 17, 2012	NOTICE OF PUBLICATION	
Sep. 25, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 18, 2012	ASSIGNED TO EXAMINER	80808
Sep. 15, 2012	APPLICATION FILING RECEIPT MAILED	
Sep. 11, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 07, 2012	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1126246	International Registration Date: Jul. 24, 2012
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Sep. 07, 2012
Notification of Designation Date: Sep. 06, 2012	Date of Automatic Protection: Mar. 06, 2014
International Registration Renewal Date: Jul. 24, 2022	
First Refusal Flag: No	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 22, 2013

APPLICANT'S EXHIBIT 10

Generated on: This page was generated by TSDR on 2015-07-02 16:37:58 EDT

Mark: AIRGEL

AIRGEL

US Serial Number: 85742312
US Registration Number: 4619361
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 14, 2014
Publication Date: Feb. 12, 2013
Application Filing Date: Oct. 01, 2012
Registration Date: Oct. 14, 2014

Mark Information

Mark Literal Elements: AIRGEL
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: seal for respiratory masks used in the treatment of sleep apnea and other respiratory disorders

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 11, 2012

Use in Commerce: Jul. 11, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Sleepnet Corporation
Owner Address: 5 Merrill Drive
Hampton, NEW HAMPSHIRE 03842
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NEW HAMPSHIRE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donald S. Holland
Attorney Primary Address: dsh@hblaw.org
Docket Number: 12049T
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: DONALD S HOLLAND
HOLLAND & BONZAGNI PC
171 DWIGHT ROAD

Holaira001560

LONGMEADOW, MASSACHUSETTS 01106-1673
UNITED STATES

Phone: 413-567-2076

Fax: 413-567-2079

Correspondent e-mail: dsh@hblaw.org

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 14, 2014	REGISTERED-PRINCIPAL REGISTER	
Sep. 06, 2014	TTAB RELEASE CASE TO TRADEMARKS	210984
Sep. 06, 2014	OPPOSITION TERMINATED NO. 999999	210984
Jun. 08, 2013	OPPOSITION INSTITUTED NO. 999999	210984
Mar. 13, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 12, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 12, 2013	PUBLISHED FOR OPPOSITION	
Jan. 23, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 31, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 30, 2012	ASSIGNED TO EXAMINER	76463
Oct. 05, 2012	NOTICE OF PSEUDO MARK MAILED	
Oct. 04, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 04, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 14, 2014

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91210984

Filing Date: Jun 07, 2013

Status: Terminated

Status Date: Sep 06, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Sleepnet Corporation

Correspondent Address: DONALD S HOLLAND
HOLLAND & BONZAGNI PC
171 DWIGHT ROAD
LONGMEADOW MA , 01106-1673
UNITED STATES

Correspondent e-mail: dsh@hblaw.org , cam@hblaw.org

Associated marks

Mark	Application Status	Serial Number	Registration Number
AIRGEL	Registered	<u>85742312</u>	<u>4619361</u>

Plaintiff(s)

Name: Anibal De Oliverira Fortuna

Correspondent Address: ANIBAL DE OLIVERIRA FORTUNA
AV ALMIRANTE COCHRANE, 83 APTO 161
SANTOS SP , 11040-001
BRAZIL

Correspondent e-mail: anibal.fortuna@uol.com.br

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Holaira001561

AIRGEL

Abandoned - After Inter-Partes Decision

77837542

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 07, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 08, 2013	Jul 18, 2013
3	PENDING, INSTITUTED	Jun 08, 2013	
4	D MOT FOR EXT W/O CONSENT	Jul 10, 2013	
5	D MOT FOR EXT W/O CONSENT	Aug 21, 2013	
6	EXTENSION OF TIME GRANTED	Sep 17, 2013	
7	D MOT FOR EXT W/ CONSENT	Sep 18, 2013	
8	D MOT TO DISMISS: FRCP 12(B)	Oct 01, 2013	
9	D MOT TO DISMISS: FRCP 12(B) WITH EXHIBIT	Oct 02, 2013	
10	SUSP PEND DISP OF OUTSTNDNG MOT	Oct 19, 2013	
11	P OPP/RESP TO MOTION	Nov 01, 2013	
12	D MOTION TO LIFT SUSPENSION	Mar 31, 2014	
13	RESPONSE DUE 30 DAYS (DUE DATE)	May 02, 2014	Jun 01, 2014
14	BD DECISION: DISMISSED W/ PREJ	Jun 24, 2014	
15	TERMINATED	Sep 06, 2014	

Type of Proceeding: Extension of TimeProceeding Number: 85742312

Filing Date: Mar 13, 2013

Status: Terminated

Status Date: Jun 12, 2013

Interlocutory Attorney:

Defendant

Name: Sleepnet Corporation

Correspondent Address: DONALD S. HOLLAND
HOLLAND & BONZAGNI, P.C.
171 DWIGHT RD
LONGMEADOW MA , 01106-1673
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
AIRGEL	Registered	<u>85742312</u>	<u>4619361</u>
Potential Opposer(s)			

Name: AnibalO.Fortuna

Correspondent Address: Anibal O. Fortuna
Av. Almirante Cochrane, 83 apto. 161
Santos SP , 11040-001
BRAZIL

Correspondent e-mail: anibal.fortuna@uol.com.br**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AIRGEL	Registered	<u>85742312</u>	<u>4619361</u>
Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Mar 13, 2013	
2	EXTENSION OF TIME GRANTED	Mar 13, 2013	

Holaira001562

APPLICANT'S EXHIBIT 11

Generated on: This page was generated by TSDR on 2015-07-02 16:27:55 EDT

Mark: AIRLIFE

AIRLIFE

US Serial Number: 78545378 Application Filing Date: Jan. 11, 2005
US Registration Number: 3150546 Registration Date: Oct. 03, 2006
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Sep. 27, 2012
Publication Date: Jul. 11, 2006

Mark Information

Mark Literal Elements: AIRLIFE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Respiratory therapy products, namely, nebulizers, oxygen masks, oxygen tubing, connectors, nasal cannulas, oxygen catheters, tracheostomy masks, aerosol masks, drainage bags, spirometers and parts and accessories therefore

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 1986

Use in Commerce: Jan. 01, 1986

For: Humidifiers

International Class(es): 011 - Primary Class

U.S Class(es): 013, 021, 023, 031, 034

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 1986

Use in Commerce: Jan. 01, 1986

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: CAREFUSION 2200, INC.
Owner Address: 3750 TORREY VIEW COURT
SAN DIEGO, CALIFORNIA 92130
UNITED STATES

Holaira001563

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: Joseph R. Dreitler

Attorney Primary Email Address: jdreitler@ustrademarklawyer.com

Attorney Email Authorized: Yes

CorrespondentCorrespondent Name/Address: Joseph R. Dreitler
DREITLER TRUE LLC
19 E. Kossuth St.
COLUMBUS, OHIO 43206
UNITED STATES

Phone: 614-449-6677

Correspondent e-mail: jdreitler@ustrademarklawyer.com mtrue@ustrademarklawyer.com ttrofino@ustrademarklawyer.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jun. 25, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 27, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 27, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Sep. 27, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Sep. 18, 2012	TEAS SECTION 8 & 15 RECEIVED	
Dec. 02, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 25, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 31, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 03, 2006	REGISTERED-PRINCIPAL REGISTER	
Jul. 21, 2006	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Jul. 12, 2006	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 11, 2006	PUBLISHED FOR OPPOSITION	
Jun. 21, 2006	NOTICE OF PUBLICATION	
May 22, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
May 19, 2006	ASSIGNED TO LIE	78289
May 16, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 15, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	72589
Apr. 25, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	72589
Apr. 25, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 19, 2006	NON-FINAL ACTION E-MAILED	6325
Feb. 19, 2006	NON-FINAL ACTION WRITTEN	76521
Jan. 26, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	72589
Jan. 16, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	72589
Jan. 16, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 14, 2005	NON-FINAL ACTION E-MAILED	6325
Aug. 14, 2005	NON-FINAL ACTION WRITTEN	76521
Aug. 11, 2005	ASSIGNED TO EXAMINER	76521
Jan. 21, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Holaira001564

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 110

Date in Location: Sep. 27, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: ALLEGIANCE CORPORATION

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4098/0144

Pages: 8

Date Recorded: Nov. 18, 2009

Supporting Documents: [assignment-tm-4098-0144.pdf](#)

Assignor

Name: ALLEGIANCE CORPORATION

Execution Date: Aug. 03, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: CAREFUSION 2200, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 3750 TORREY VIEW COURT
SAN DIEGO, CALIFORNIA 92130

Correspondent

Correspondent Name: CPA GLOBAL

Correspondent Address: LIBERATION HOUSE
CASTLE STREET
ST. HELIER, JE1 1BL JERSEY

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91210470

Filing Date: May 01, 2013

Status: Terminated

Status Date: Jul 03, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Airlife Chile S.A.

Correspondent Address: ARTURO PEREZ-GUERRERO
LAW OFFICES OF ARTURO PEREZ-GUERRERO
PO BOX 9024163
SAN JUAN PR , 00902-4163
UNITED STATES

Correspondent e-mail: arturo@perezguerrero.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AIRLIFE	Abandoned - After Inter-Partes Decision	<u>85669918</u>	
Plaintiff(s)			
Name: CareFusion 2200, Inc.			
Correspondent Address: JOSEPH R DREITLER DREITLER TRUE LLC 137 E STATE ST COLUMBUS OH , 43215 UNITED STATES			
Correspondent e-mail: jdreitler@ustrademarklawyer.com , mtrue@ustrademarklawyer.com , trofino@ustrademarklawyer.com			

Associated marks			
Mark	Application Status	Serial Number	Registration Number

AIRLIFE	Section 8 and 15 - Accepted and Acknowledged	<u>78545378</u>	<u>3150546</u>
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Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 01, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 01, 2013	Jun 10, 2013
3	PENDING, INSTITUTED	May 01, 2013	
4	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
5	W/DRAW OF APPLICATION	Jun 28, 2013	
6	BD DECISION: SUSTAINED	Jul 03, 2013	
7	TERMINATED	Jul 03, 2013	

Type of Proceeding: Extension of Time

Proceeding Number: 78545378

Filing Date: Jul 12, 2006

Status: Terminated

Status Date: Jul 21, 2006

Interlocutory Attorney:

Defendant

Name: ALLEGIANCE CORPORATION

Correspondent Address: ALLEGIANCE CORPORATION
1430 WAUKEGAN RD # KB-1A
MC GAW PARK IL , 60085-6726
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

AIRLIFE	Section 8 and 15 - Accepted and Acknowledged	<u>78545378</u>	<u>3150546</u>
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Potential Opposer(s)

Name: Central Mfg. Co., d/b/a Central Mfg. Inc

Correspondent Address: Leo Stoller
Central Mfg. Co., d/b/a Central Mfg. Inc
7115 W. North Avenue #272
Oak Park IL , 60302
UNITED STATES

Correspondent e-mail: ldms4@hotmail.com

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jul 12, 2006	
2	EXTENSION OF TIME GRANTED	Jul 12, 2006	
3	EXTENSION DENIED	Jul 21, 2006	
4	EXTENSION DENIED	Jul 21, 2006	

APPLICANT'S EXHIBIT 12

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Mark: AIRSTAT

AIRSTAT

US Serial Number: 75942787
US Registration Number: 2446249
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Nov. 05, 2011
Publication Date: Jan. 30, 2001
Application Filing Date: Mar. 13, 2000
Registration Date: Apr. 24, 2001

Mark Information

Mark Literal Elements: AIRSTAT
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: emergency medical devices, namely, airway respiratory catheters

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 1999

Use in Commerce: Sep. 01, 1999

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: French, Ronald
Owner Address: 6123 Marquette Place
New Orleans, LOUISIANA 70118
UNITED STATES
Legal Entity Type: INDIVIDUAL
Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: GREGORY C. SMITH
Attorney Primary Email: GregSmith@gsnn.us
Address:
Docket Number: T99354US 253
Attorney Email: Yes
Authorized:

Correspondent

Correspondent: GREGORY C. SMITH
Name/Address: GARVEY, SMITH, NEHRBASS & NORTH, LLC
3838 N CAUSEWAY BLVD, SUITE 3290

Holaira001567

METAIRIE, LOUISIANA 70002
UNITED STATES

Phone: (504) 835-2000

Fax: (504) 835-2070

Correspondent e-mail: GregSmith@gsnn.us

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 05, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Nov. 05, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Nov. 05, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Oct. 06, 2011	TEAS SECTION 8 & 9 RECEIVED	
Jan. 19, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	61619
Jan. 09, 2007	ASSIGNED TO PARALEGAL	61619
Nov. 09, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 16, 2006	CASE FILE IN TICRS	
Nov. 09, 2006	TEAS SECTION 8 & 15 RECEIVED	
Apr. 24, 2001	REGISTERED-PRINCIPAL REGISTER	
Jan. 30, 2001	PUBLISHED FOR OPPOSITION	
Dec. 29, 2000	NOTICE OF PUBLICATION	
Sep. 23, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 11, 2000	EXAMINER'S AMENDMENT MAILED	
Aug. 28, 2000	NON-FINAL ACTION MAILED	
Aug. 18, 2000	ASSIGNED TO EXAMINER	76516

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 24, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 05, 2011

Holaira001568

APPLICANT'S EXHIBIT 13

Generated on: This page was generated by TSDR on 2015-07-02 16:20:08 EDT

Mark: AIRWATCH

US Serial Number: 74531431 Application Filing Date: May 31, 1994
US Registration Number: 2006677 Registration Date: Oct. 08, 1996
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Dec. 09, 2006
Publication Date: Apr. 11, 1995 Notice of Allowance Date: Jul. 04, 1995

Mark Information

Mark Literal Elements: AIRWATCH
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: medical devices, namely electronic respiratory monitors

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 1995

Use in Commerce: Apr. 1995

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: IMETRIKUS, INC.
Owner Address: 5875 Avenida Encinas
Carlsbad, CALIFORNIA 92008
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Dennis A. Bennett
Attorney Primary Email: dennisbennett@globalpatentgroup.com Attorney Email: Yes

Holaira001569

Address: _____

Authorized: _____

Correspondent

Correspondent Name/Address: Dennis A. Bennett
Global Patent Group
10411 Clayton Road
Suite 304
St. Louis, MISSOURI 63131
UNITED STATES

Phone: 314-567-7788**Fax:** 314-567-9595**Correspondent e-mail:** dennisbennett@globalpatentgroup.com**Correspondent e-mail** Yes
Authorized:**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Oct. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 23, 2007	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2007	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 09, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Dec. 09, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 06, 2006	ASSIGNED TO PARALEGAL	75461
Oct. 05, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 05, 2006	TEAS SECTION 8 & 9 RECEIVED	
Jun. 22, 2006	CASE FILE IN TICRS	
Jul. 08, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 11, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 11, 2003	PAPER RECEIVED	
Apr. 10, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 25, 2002	PAPER RECEIVED	
Oct. 08, 1996	REGISTERED-PRINCIPAL REGISTER	
Aug. 05, 1996	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 03, 1996	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 03, 1996	EXTENSION 1 DENIAL LETTER MAILED	
Jun. 03, 1996	EXTENSION 1 DENIAL LETTER PREPARED	
Dec. 28, 1995	USE AMENDMENT FILED	
Dec. 28, 1995	EXTENSION 1 FILED	
Jul. 04, 1995	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 11, 1995	PUBLISHED FOR OPPOSITION	
Mar. 10, 1995	NOTICE OF PUBLICATION	
Oct. 17, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 05, 1994	ASSIGNED TO EXAMINER	72150

Maintenance Filings or Post Registration Information**Affidavit of Continued Use:** Section 8 - Accepted**Affidavit of Incontestability:** Section 15 - Accepted**Renewal Date:** Oct. 08, 2006**TM Staff and Location Information****TM Staff Information - None**
File Location**Holaira001570**

Assignment Abstract Of Title Information

Summary

Total Assignments: 6

Registrant: Enact Products

Assignment 1 of 6

Conveyance: CHANGE OF NAME

Reel/Frame: 1434/0300

Pages: 14

Date Recorded: Dec. 21, 1995

Supporting Documents: No Supporting Documents Available

Assignor

Name: ENACT PRODUCTS

Execution Date: Aug. 25, 1995

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: ENACT HEALTH MANAGEMENT SYSTEMS

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Address: SUITE 306
1975 WEST EL CAMINO REAL
MOUNTAIN VIEW, CALIFORNIA 94040

Correspondent

Correspondent Name: GRAY CARY WARE ET AL.

Correspondent Address: MARGARET M. POWERS
400 HAMILTON AVENUE
PALO ALTO, CA 94301

Domestic Representative - Not Found

Assignment 2 of 6

Conveyance: MERGER

Reel/Frame: 1707/0865

Pages: 21

Date Recorded: Mar. 27, 1998

Supporting Documents: No Supporting Documents Available

Assignor

Name: ENACT HEALTH MANAGEMENT SYSTEMS

Execution Date: Feb. 09, 1998

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: ENACT HEALTH MANAGEMENT SYSTEMS, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1975 EL CAMINO REAL WEST, STE. 30
MOUNTAIN VIEW, CALIFORNIA 94040

Correspondent

Correspondent Name: GRAY CARE WARE AND FREIDENRICH LLP

Correspondent Address: MARGARET M. POWERS, ESQ.
400 HAMILTON AVENUE
PALO ALTO, CA 94301

Domestic Representative - Not Found

Assignment 3 of 6

Conveyance: SECURITY INTEREST

Reel/Frame: 1862/0069

Pages: 3

Date Recorded: Mar. 01, 1999

Supporting Documents: assignment-tm-1862-0069.pdf

Assignor

Name: ENACT HEALTH MANAGEMENT SYSTEMS, INC.

Execution Date: Feb. 26, 1999

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: R.D. MERRILL COMPANY, INC.

Legal Entity Type: CORPORATION

State or Country Where
Organized: WASHINGTON

Address: 2716 WESTERN AVENUE
SEATTLE, WASHINGTON 98121

Correspondent

Correspondent Name: GRAY CARY WARE & FREIDENRICH

Correspondent Address: ERIN O'BRIEN
400 HAMILTON AVENUE
PALO ALTO, CA 94301

Domestic Representative - Not Found

Assignment 4 of 6

Conveyance: CHANGE OF NAME

Reel/Frame: 1946/0019

Pages: 17

Date Recorded: Aug. 12, 1999

Supporting Documents: [assignment-tm-1946-0019.pdf](#)

Assignor

Name: ENACT HEALTH MANAGEMENT SYSTEMS, INC.

Execution Date: Jun. 29, 1999

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: LIFECHART.COM, INC.

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 1975 EL CAMINO REAL WEST, SUITE 306
MOUNTAIN VIEW, CALIFORNIA 94040

Correspondent

Correspondent Name: GRAY, CARY, WARE & FREIDENRICH LLP

Correspondent Address: MARGARET M. POWER, ESQ.
400 HAMILTON AVENUE
PALO ALTO, CALIFORNIA 94301-1825

Domestic Representative - Not Found

Assignment 5 of 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 2670/0948

Pages: 4

Date Recorded: Jun. 19, 2003

Supporting Documents: [assignment-tm-2670-0948.pdf](#)

Assignor

Name: LIFECHART.COM, INC.

Execution Date: Jun. 18, 2003

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: NEW LIFECHART, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: WASHINGTON

Address: 777 108TH AVENUE
SUITE 2300
BELLEVUE, WASHINGTON 98004

Correspondent

Correspondent Name: HELLER EHRMAN WHITE & MCAULIFFE LLP

Correspondent Address: 275 MIDDLEFIELD ROAD
MENLO PARK, CA 94025

Domestic Representative - Not Found

Assignment 6 of 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 2672/0809

Pages: 4

Date Recorded: Jun. 23, 2003

Supporting Documents: [assignment-tm-2672-0809.pdf](#)

Assignor

Name: NEW LIFECHART, LLC

Execution Date: Jun. 19, 2003

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: WASHINGTON

Organized:

Assignee

Name: IMETRIKUS, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 5770 ARMADA DRIVE
SUITE 100
CARLSBAD, CALIFORNIA 92008

Correspondent

Correspondent Name: HELLER EHRMAN WHITE & MCAULIFFE LLP

Correspondent Address: 275 MIDDLEFIELD ROAD
MENLO PARK, CA 94025

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 14

Generated on: This page was generated by TSDR on 2015-07-03 14:53:39 EDT

Mark: ALERE

US Serial Number: 75766963 Application Filing Date: Aug. 03, 1999
US Registration Number: 2659940 Registration Date: Dec. 10, 2002
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jan. 20, 2012
Publication Date: Jan. 01, 2002 Notice of Allowance Date: Mar. 26, 2002

Mark Information

Mark Literal Elements: ALERE
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)
Translation: The English translation of "ALERE" is "feed, nourish, support, sustain or maintain".

Related Properties Information

Claimed Ownership of US 2177638
Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: medical monitoring apparatus used to monitor and communicate data such as weight, blood pressure, blood glucose levels, other blood chemistry data, heart rate, EKG, coagulation time, peak flow, or other measurements of respiratory function in patients with chronic diseases such as asthma, diabetes, obesity, chronic hypertension, chronic renal disease and chronic obstructive pulmonary disease

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 26, 1996

Use in Commerce: Aug. 26, 1996

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ALERE INC.
Owner Address: 51 SAWYER ROAD, SUITE 200
WALTHAM, MASSACHUSETTS 02453
UNITED STATES

Holaira001658

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: Alere Health Improvement Company
10 Mountainview Road
Upper Saddle River, NEW JERSEY 07458
UNITED STATES

Phone: 781-314-4062

Fax: 781-647-3939

Correspondent e-mail: Jean.Maxwell@alere.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 01, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 23, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 25, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 20, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 20, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77315
Jan. 20, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	77315
Jan. 17, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jan. 16, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 28, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 07, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 30, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 28, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Sep. 28, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 14, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Jul. 14, 2008	ASSIGNED TO PARALEGAL	77315
Jul. 01, 2008	TEAS SECTION 8 & 15 RECEIVED	
Apr. 09, 2008	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 09, 2008	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 07, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 07, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 28, 2008	CASE FILE IN TIGRS	
Dec. 10, 2002	REGISTERED-PRINCIPAL REGISTER	
Sep. 30, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 20, 2002	ASSIGNED TO EXAMINER	76491
Sep. 19, 2002	STATEMENT OF USE PROCESSING COMPLETE	
Aug. 21, 2002	USE AMENDMENT FILED	
Aug. 23, 2002	PAPER RECEIVED	
Mar. 26, 2002	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 01, 2002	PUBLISHED FOR OPPOSITION	
Dec. 12, 2001	NOTICE OF PUBLICATION	
Sep. 06, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 04, 2001	EXAMINERS AMENDMENT MAILED	
Aug. 14, 2001	ASSIGNED TO EXAMINER	76491
Aug. 13, 2001	PETITION TO REVIVE-GRANTED	

Holaira001659

Nov. 13, 2000 PETITION TO REVIVE-RECEIVED
Sep. 12, 2000 ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE
Dec. 28, 1999 NON-FINAL ACTION MAILED
Dec. 23, 1999 ASSIGNED TO EXAMINER

75591

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 10, 2012

TM Staff and Location Information

TM Staff information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 20, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 14

Registrant: Alere Medical Incorporated

Assignment 1 of 14

Conveyance: SECURITY AGREEMENT

Reel/Frame: 2472/0172

Pages: 10

Date Recorded: Mar. 13, 2002

Supporting Documents: assignment-tm-2472-0172.pdf

Assignor

Name: ALERE MEDICAL INCORPORATED

Execution Date: Feb. 25, 2002

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: VENTURE LENDING & LEASING III, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: MARYLAND

Address: 2010 NORTH FIRST STREET
SAN JOSE, CALIFORNIA 95131

Correspondent

Correspondent Name: GREEN RADOVSKY MALONEY & SHARE LLP

Correspondent Address: RUSSELL D. POLLOCK, ESQ.
FOUR EMBARCADERO CENTER, SUITE 4000
SAN FRANCISCO, CA 94111

Domestic Representative - Not Found

Assignment 2 of 14

Conveyance: SECURITY INTEREST

Reel/Frame: 3515/0969

Pages: 6

Date Recorded: Apr. 05, 2007

Supporting Documents: assignment-tm-3515-0969.pdf

Assignor

Name: ALERE MEDICAL INCORPORATED

Execution Date: Apr. 02, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

DBA, AKA, TA, Formerly: FORMERLY AGORA MERGER SUB, INC.

Assignee

Name: MERRILL LYNCH CAPITAL, A DIVISION OF MERRILL LYNCH BUSINESS FINANCIAL SERVICES, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 222 NORTH LASALLE STREET
CHEVY CHASE, ILLINOIS 60601

Correspondent

Holaira001660

Correspondent Name: KATTEN MUCHIN ROSENMAN

Correspondent Address: 525 WEST MONROE STREET
CHICAGO, IL 60661

Domestic Representative - Not Found

Assignment 3 of 14

Conveyance: SECURITY INTEREST

Reel/Frame: 3698/0121

Pages: 87

Date Recorded: Jan. 16, 2008

Supporting Documents: assignment-tm-3698-0121.pdf

Assignor

Name: ALERE MEDICAL, INC.

Execution Date: Jun. 27, 2007

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** CALIFORNIA

Assignee

Name: GENERAL ELECTRIC CAPITAL CORPORATION

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Address: 2 BETHESDA METRO CENTER, SUITE 600
BETHESDA, MARYLAND 20814

Correspondent

Correspondent Name: KATHLEEN MANGUAL

Correspondent Address: C/O PAUL HASTINGS, LLP
75 EAST 55TH STREET
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 4 of 14

Conveyance: SECURITY INTEREST

Reel/Frame: 3698/0786

Pages: 88

Date Recorded: Jan. 17, 2008

Supporting Documents: assignment-tm-3698-0786.pdf

Assignor

Name: ALERE MEDICAL, INC.

Execution Date: Jun. 27, 2007

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** CALIFORNIA

Assignee

Name: GENERAL ELECTRIC CAPITAL CORPORATION, AS AGENT

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Address: 2 BETHESDA METRO CENTER, SUITE 600
BETHESDA, MARYLAND 20814

Correspondent

Correspondent Name: KATHLEEN MANGUAL

Correspondent Address: C/O PAUL HASTINGS LLP
75 EAST 55TH STREET
NEW YORK, NY 20814

Domestic Representative - Not Found

Assignment 5 of 14

Conveyance: MERGER EFFECTIVE 04292009

Reel/Frame: 4070/0037

Pages: 5

Date Recorded: Sep. 29, 2009

Supporting Documents: assignment-tm-4070-0037.pdf

Assignor

Name: ALERE MEDICAL, INC.

Execution Date: Apr. 29, 2009

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Assignee

Name: ALERE LLC

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Address: 3200 WINDY HILL ROAD
SUITE B-100

ATLANTA, GEORGIA 30339

Correspondent

Correspondent Name: JEAN MAXWELL, TM PARALEGAL/ADMINISTRATOR

Correspondent Address: 51 SAWYER ROAD
INVERNESS MEDICAL INNOVATIONS, INC.
WALTHAM, MA 02453

Domestic Representative - Not Found

Assignment 6 of 14

Conveyance: MERGER EFFECTIVE 04292009

Reel/Frame: 4070/0288

Pages: 5

Date Recorded: Sep. 29, 2009

Supporting Documents: assignment-tm-4070-0288.pdf

Assignor

Name: ALERE MEDICAL, INC.

Execution Date: Apr. 29, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: ALERE LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 3200 WINDY HILL ROAD
SUITE B-100
ATLANTA, GEORGIA 30339

Correspondent

Correspondent Name: JEAN M. MAXWELL, TM PARALEGAL/ADMN.

Correspondent Address: 51 SAWYER ROAD
INVERNESS MEDICAL INNOVATIONS, INC.
WALTHAM, MA 02453

Domestic Representative - Not Found

Assignment 7 of 14

Conveyance: TO CORRECT AN ERROR MADE IN A PREVIOUSLY RECORDED DOCUMENT AT REEL/FRAME: 004070/0037. THE MERGER WAS INCORRECTLY RECORDED, AS IT CONCERNS A PARTY OTHER THAN THE REGISTRANT. REGISTRANT REQUESTS THAT THE PTO DISREGARD THE PREVIOUS RECORDAL.

Reel/Frame: 4136/0760

Pages: 5

Date Recorded: Jan. 25, 2010

Supporting Documents: assignment-tm-4136-0760.pdf

Assignor

Name: ALERE MEDICAL, INC.

Execution Date: Jan. 25, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: ALERE MEDICAL, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Address: 10615 PROFESSIONAL CIRCLE
RENO, NEVADA 89521

Correspondent

Correspondent Name: JOSHUA JARVIS, ESQ., FOLEY HOAG LLP

Correspondent Address: 155 SEAPORT BOULEVARD
BOSTON, MA 02210

Domestic Representative - Not Found

Assignment 8 of 14

Conveyance: TO CORRECT AN ERROR MADE IN A PREVIOUSLY RECORDED DOCUMENT AT REEL/FRAME: 004070/0288. THE MERGER WAS INCORRECTLY RECORDED, AS IT CONCERNS A PARTY OTHER THAN THE REGISTRANT. REGISTRANT REQUESTS THAT THE PTO DISREGARD THE PREVIOUS RECORDAL.

Reel/Frame: 4136/0799

Pages: 5

Date Recorded: Jan. 25, 2010

Supporting Documents: assignment-tm-4136-0799.pdf

Assignor

Name: ALERE MEDICAL, INC.

Execution Date: Jan. 25, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Holaira001662

Assignee**Name:** ALERE MEDICAL, INC.**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** CALIFORNIA**Address:** 10615 PROFESSIONAL CIRCLE
RENO, NEVADA 89521**Correspondent****Correspondent Name:** JOSHUA JARVIS, ESQ., FOLEY HOAG LLP**Correspondent Address:** 155 SEAPORT BOULEVARD
BOSTON, MA 02210**Domestic Representative - Not Found****Assignment 9 of 14****Conveyance:** SECURITY INTEREST**Reel/Frame:** 4576/0065**Pages:** 28**Date Recorded:** Jul. 06, 2011**Supporting Documents:** assignment-lm-4576-0065.pdf**Assignor****Name:** ALERE GENETICS, INC.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** NORTH CAROLINA**Name:** ALERE HEALTH IMPROVEMENT COMPANY**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** DELAWARE**Name:** ALERE HEALTH SYSTEMS, INC.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** DELAWARE**Name:** ALERE HEALTH, LLC**Legal Entity Type:** LIMITED LIABILITY COMPANY**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** DELAWARE**Name:** ALERE HEALTHCARE OF ILLINOIS, INC.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** GEORGIA**Name:** ALERE HOME MONITORING, INC.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** DELAWARE**Name:** ALERE INTERNATIONAL HOLDING CORP.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** DELAWARE**Name:** ALERE MEDICAL, INC.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** CALIFORNIA**Name:** ALERE NEWCO, INC.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** DELAWARE**Name:** ALERE NEWCO II, INC.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** DELAWARE**Name:** ALERE NORTH AMERICA, INC.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** DELAWARE**Name:** ALERE OF NEW YORK, INC.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** NEW YORK**Name:** ALERE SAN DIEGO, INC.**Legal Entity Type:** CORPORATION**Execution Date:** Jun. 30, 2011**State or Country Where
Organized:** DELAWARE**Name:** ALERE SCARBOROUGH, INC.**Execution Date:** Jun. 30, 2011

Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE US HOLDINGS LLC</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE
Name: <u>ALERE WELLBEING, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE WELLOLOGY, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE WOMEN'S AND CHILDREN'S HEALTH, LLC</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE
Name: <u>AMEDITECH INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: CALIFORNIA
Name: <u>BINAX, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>BIOSITE INCORPORATED</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>CHOLESTECH CORPORATION</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>FIRST CHECK DIAGNOSTICS CORP.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>FIRST CHECK ECOM, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: MASSACHUSETTS
Name: <u>HEMOSENSE, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>INNOVACON, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>INSTANT TECHNOLOGIES, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: VIRGINIA
Name: <u>INVERNESS MEDICAL, LLC</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE
Name: <u>IVC INDUSTRIES, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>QUALITY ASSURED SERVICES, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: FLORIDA
Name: <u>REDWOOD TOXICOLOGY LABORATORY, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: CALIFORNIA
Name: <u>RMD NETWORKS, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE

Name: RTL HOLDINGS, INC.

Legal Entity Type: CORPORATION

Execution Date: Jun. 30, 2011

State or Country Where
Organized: DELAWARE

Name: SELCARE TECHNOLOGY, INC.

Legal Entity Type: CORPORATION

Execution Date: Jun. 30, 2011

State or Country Where
Organized: DELAWARE

Name: SPDH, INC.

Legal Entity Type: CORPORATION

Execution Date: Jun. 30, 2011

State or Country Where
Organized: DELAWARE

Name: WAMPOLE LABORATORIES, LLC

Legal Entity Type: CORPORATION

Execution Date: Jun. 30, 2011

State or Country Where
Organized: DELAWARE

Name: ZYCARE, INC.

Legal Entity Type: CORPORATION

Execution Date: Jun. 30, 2011

State or Country Where
Organized: NORTH CAROLINA

Assignee

Name: GENERAL ELECTRIC CAPITAL CORPORATION

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 2 BETHESDA METRO CENTER, SUITE 600
BETHESDA, MARYLAND 20814

Correspondent

Correspondent Name: ESSENCE ARZU, ESQ., FOLEY HOAG LLP

Correspondent Address: 155 SEAPORT BOULEVARD
BOSTON, MA 02210

Domestic Representative - Not Found

Assignment 10 of 14

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4699/0436

Pages: 7

Date Recorded: Jan. 17, 2012

Supporting Documents: assignment-tm-4699-0436.pdf

Assignor

Name: ALERE MEDICAL, INC.

Legal Entity Type: CORPORATION

Execution Date: Dec. 31, 2011

State or Country Where
Organized: CALIFORNIA

Assignee

Name: ALERE HEALTH SYSTEMS, INC.

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 10 MOUNTAINVIEW ROAD
UPPER SADDLE RIVER, NEW JERSEY 07458

Correspondent

Correspondent Name: JEAN M MAXWELL, SR TM PARALEGAL/ADMINR

Correspondent Address: ALERE INC.
51 SAWYER ROAD, SUITE 200
WALTHAM, MA 02453

Domestic Representative - Not Found

Assignment 11 of 14

Conveyance: MERGER EFFECTIVE 12/31/2011

Reel/Frame: 4699/0467

Pages: 10

Date Recorded: Jan. 17, 2012

Supporting Documents: assignment-tm-4699-0467.pdf

Assignor

Name: ALERE HEALTH SYSTEMS, INC.

Legal Entity Type: CORPORATION

Execution Date: Dec. 31, 2011

State or Country Where
Organized: DELAWARE

Assignee

Name: ALERE HEALTH IMPROVEMENT COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 10 MOUNTAINVIEW ROAD
UPPER SADDLE RIVER, NEW JERSEY 07458

Correspondent

Correspondent Name: JEAN M MAXWELL, SR TM PARALEGAL/ADMINR

Correspondent Address: ALERE INC.
51 SAWYER ROAD, SUITE 200
WALTHAM, MA 02453

Domestic Representative - Not Found

Assignment 12 of 14

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5380/0320

Pages: 6

Date Recorded: Oct. 14, 2014

Supporting Documents: [assignment-tm-5380-0320.pdf](#)

Assignor

Name: ALERE HEALTH IMPROVEMENT COMPANY

Execution Date: Oct. 10, 2014

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: ALERE HEALTH, LLC

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 3200 WINDY HILL ROAD
SUITE B-100
ATLANTA, GEORGIA 30339

Correspondent

Correspondent Name: JEAN M. MAXWELL, TRADEMARK MANAGER

Correspondent Address: 51 SAWYER ROAD, SUITE 200
ALERE INC.
WALTHAM, MA 02453

Domestic Representative - Not Found

Assignment 13 of 14

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5380/0334

Pages: 5

Date Recorded: Oct. 14, 2014

Supporting Documents: [assignment-tm-5380-0334.pdf](#)

Assignor

Name: ALERE HEALTH, LLC

Execution Date: Oct. 10, 2014

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: ALERE INC.

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 51 SAWYER ROAD, SUITE 200
WALTHAM, MASSACHUSETTS 02453

Correspondent

Correspondent Name: JEAN M. MAXWELL, TRADEMARK MANAGER

Correspondent Address: 51 SAWYER ROAD, SUITE 200
ALERE INC.
WALTHAM, MA 02453

Domestic Representative - Not Found

Assignment 14 of 14

Conveyance: NOTICE OF RELEASE OF SECURITY INTEREST IN TRADEMARKS RECORDED AT REEL 4576 FRAME 0065

Reel/Frame: 5559/0283

Pages: 34

Date Recorded: Jun. 23, 2015

Supporting Documents: [assignment-tm-5559-0283.pdf](#)

Assignor

Name: GENERAL ELECTRIC CAPITAL
CORPORATION, AS ADMINISTRATIVE AGENT
AND COLLATERAL AGENT

Execution Date: Jun. 18, 2015

Holaira001666

Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Assignee	
Name: <u>ALERE GENETICS, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: NORTH CAROLINA
Address: 201 SAGE ROAD # 300 CHAPEL HILL, NORTH CAROLINA 27514	
Name: <u>ALERE HEALTH IMPROVEMENT IMPROVEMENT COMPANY</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 3200 WINDY HILL ROAD, SUITE B-100 ATLANTA, GEORGIA 30339	
Name: <u>ALERE HEALTH SYSTEMS, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>ALERE HEALTH, LLC</u>	
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE
Address: 3200 WINDY HILL RD SE, #100B ATLANTA, GEORGIA 30339	
Name: <u>ALERE HEALTHCARE OF ILLINOIS, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: GEORGIA
Address: 9801 W HIGGINS RD STE 370 ROSEMONT, ILLINOIS 60018	
Name: <u>ALERE HOME MONITORING, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 6465 NATIONAL DRIVE LIVERMORE, CALIFORNIA 94550	
Name: <u>ALERE INTERNATIONAL HOLDING CORP.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>ALERE MEDICAL, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: CALIFORNIA
Address: 595 DOUBLE EAGLE CENTER, SUITE 1000 RENO, NEVADA 89521	
Name: <u>ALERE NEWCO, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>ALERE NEWCO II, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>ALERE NORTH AMERICA, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 30 SOUTH KELLER ROAD, SUITE 100 ORLANDO, FLORIDA 32810	
Name: <u>ALERE OF NEW YORK, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: NEW YORK

Address: 900 MERCHANTS CONCOURSE, SUITE 201
 WESTBURY, NEW YORK 11590

Name: ALERE SAN DIEGO, INC.

Legal Entity Type: CORPORATION
 State or Country Where Organized: DELAWARE

Address: 9975 SUMMERS RIDGE ROAD
 SAN DIEGO, CALIFORNIA 92121

Name: ALERE SCARBOROUGH, INC.

Legal Entity Type: CORPORATION
 State or Country Where Organized: DELAWARE

Address: 10 SOUTHGATE ROAD
 SCARBOROUGH, MAINE 04074

Name: ALERE US HOLDINGS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY
 State or Country Where Organized: DELAWARE

Address: 51 SAWYER ROAD, SUITE 200
 WALTHAM, MASSACHUSETTS 02453

Name: ALERE WELLBEING, INC.

Legal Entity Type: CORPORATION
 State or Country Where Organized: DELAWARE

Address: 999 THIRD AVENUE, SUITE 2100
 SEATTLE, WASHINGTON 98104-1139

Name: ALERE WELLOLOGY, INC.

Legal Entity Type: CORPORATION
 State or Country Where Organized: DELAWARE

Address: 13630 NW 8TH STREET, SUITE 210
 FORT LAUDERDALE, FLORIDA 33325

Name: ALERE WOMEN'S AND CHILDREN'S HEALTH, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY
 State or Country Where Organized: DELAWARE

Address: 3200 WINDY HILL RD, SUITE B100
 ATLANTA, GEORGIA 30339

Name: AMEDITECH INC.

Legal Entity Type: CORPORATION
 State or Country Where Organized: CALIFORNIA

Address: 10340 CAMINO SANTA FE, SUITE F
 SAN DIEGO, CALIFORNIA 92121

Name: BINAX, INC.

Legal Entity Type: CORPORATION
 State or Country Where Organized: DELAWARE

Address: 10 SOUTHGATE ROAD
 SCARBOROUGH, MAINE 04074

Name: BIOSITE, INC.

Legal Entity Type: CORPORATION
 State or Country Where Organized: DELAWARE

Address: 9975 SUMMERS RIDGE ROAD
 SAN DIEGO, CALIFORNIA 92121

Name: CHOLESTECH CORPORATION

Legal Entity Type: CORPORATION
 State or Country Where Organized: DELAWARE

Address: 9975 SUMMERS RIDGE ROAD
 SAN DIEGO, CALIFORNIA 92121

Name: FIRST CHECK DIAGNOSTICS CORP.

Legal Entity Type: CORPORATION
 State or Country Where Organized: DELAWARE

Address: 51 SAWYER ROAD, SUITE 200
 WALTHAM, MASSACHUSETTS 02453

Name: FIRST CHECK ECOM, INC.

Legal Entity Type: CORPORATION
 State or Country Where Organized: MASSACHUSETTS

Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>HEMOSENSE, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 651 RIVER OAKS PARKWAY SAN JOSE, CALIFORNIA 95134	
Name: <u>INNOVACON, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 9975 SUMMERS RIDGE ROAD SAN DIEGO, CALIFORNIA 92121	
Name: <u>INSTANT TECHNOLOGIES, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: VIRGINIA
Address: 400 PORT CENTRE PARKWAY PORTSMOUTH, VIRGINIA 23707	
Name: <u>INVERNESS MEDICAL, LLC</u>	
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>IVC INDUSTRIES, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 500 HALLS MILL ROAD FREEHOLD, NEW JERSEY 07728	
Name: <u>QUALITY ASSURED SERVICES, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: FLORIDA
Address: 30 SOUTH KELLER ROAD ORLANDO, FLORIDA 32810	
Name: <u>REDWOOD TOXICOLOGY LABORATORY, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: CALIFORNIA
Address: 3650 WESTWIND BOULEVARD SANTA ROSA, CALIFORNIA 95403	
Name: <u>RMD NETWORKS, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 8174 SOUTH HOLLY STREET, SUITE 453 CENTENNIAL, COLORADO 80122-4004	
Name: <u>RTL HOLDINGS, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 3650 WESTWIND BOULEVARD SANTA ROSA, CALIFORNIA 95403	
Name: <u>SELF CARE TECHNOLOGY, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>SPDH, INC.</u>	
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>WAMPOLE LABORATORIES, LLC</u>	
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE

Address: 2 RESEARCH WAY
PRINCETON, NEW JERSEY 08540

Name: ZYCARE, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Address: 3804 SWEETEN CREEK RD
CHAPEL HILL, NORTH CAROLINA 27514

Correspondent

Correspondent Name: JUSTINE LU / WHITE & CASE LLP

Correspondent Address: 633 WEST FIFTH STREET, #1900
LOS ANGELES, CA 90071

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91194923

Filing Date: May 18, 2010

Status: Terminated

Status Date: Sep 01, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Skin Food International, LLC

Correspondent Address: DAVID ALLEN HALL
HALL LAW FIRM
PO BOX 1540
BLANCO TX , 78606-1540
UNITED STATES

Correspondent e-mail: david@davidhallattorney.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ALERE	Abandoned - After Inter-Partes Decision Plaintiff(s)	<u>77807286</u>	

Name: Alere Medical, Inc.

Correspondent Address: JOSHUA S JARVIS
FOLEY HOAG LLP
155 SEAPORT BLVD.
BOSTON MA , 02210
UNITED STATES

Correspondent e-mail: jjarvis@foleyhoag.com , ustrademark@foleyhoag.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ALERE	Renewed	<u>75766963</u>	<u>2659940</u>
ALERE	Section 8 and 15 - Accepted and Acknowledged	<u>77443888</u>	<u>3530814</u>
ALERE	Registered	<u>77837309</u>	<u>4760465</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 18, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 18, 2010	Jun 27, 2010
3	PENDING, INSTITUTED	May 18, 2010	
4	ANSWER	Jun 23, 2010	
5	WITHDRAWAL OF APPLICATION	Aug 26, 2010	
6	BOARD'S DECISION: SUSTAINED	Sep 01, 2010	
7	TERMINATED	Sep 01, 2010	

Type of Proceeding: Cancellation

Proceeding Number: 92051129

Filing Date: Jun 18, 2009

Holaira001670

Status: Terminated

Status Date: Jan 05, 2010

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: ASTHMATX, INC.

Correspondent Address: E Lynn Perry
Perry IP Group ALC
4 Embarcadero Center, 39th Floor
San Francisco CA , 94111
UNITED STATES

Correspondent e-mail: lperry@perryip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ALAIR	Section 15 - Acknowledged	<u>75863338</u>	<u>2856168</u>
ALAIR	Section 8 and 15 - Accepted and Acknowledged	<u>77019259</u>	<u>3380080</u>

Plaintiff(s)

Name: Alere Medical Incorporated

Correspondent Address: Joshua S. Jarvis, Esq.
Foley Hoag LLP
155 Seaport Blvd.
Boston MA , 02210
UNITED STATES

Correspondent e-mail: cweinstein@foleyhoag.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ALERE	Renewed	<u>75766963</u>	<u>2659940</u>
ALERE	Section 8 and 15 - Accepted and Acknowledged	<u>77443888</u>	<u>3530814</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 19, 2009	Jul 29, 2009
3	PENDING, INSTITUTED	Jun 19, 2009	
4	UNDELIVERABLE MAIL	Jun 24, 2009	
5	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 30, 2009	Aug 09, 2009
6	STIPULATION FOR AN EXTENSION OF TIME	Jun 30, 2009	
7	EXTENSION OF TIME GRANTED	Jun 30, 2009	
8	PL'S RETURNED SERVICE NOTIFICATION	Jun 30, 2009	
9	ANSWER	Sep 01, 2009	
10	WITHDRAWAL OF PETITION FOR CANCELLATION	Dec 29, 2009	
11	BOARD'S DECISION: DISMISSED W/ PREJUDICE	Jan 05, 2010	
12	TERMINATED	Jan 05, 2010	

APPLICANT'S EXHIBIT 15

Generated on: This page was generated by TSDR on 2015-07-02 16:31:29 EDT

Mark: ASPIRAIR

ASPIRAIR

US Serial Number: 79029780
US Registration Number: 4004421
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Aug. 02, 2011
Publication Date: May 17, 2011

Application Filing Date: Aug. 10, 2005
Registration Date: Aug. 02, 2011

Mark Information

Mark Literal Elements: ASPIRAIR
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 0900626
International Registration Date: Aug. 10, 2005
Claimed Ownership of US Registrations: 2863995

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations, sold both within inhalers and in other forms, for the prevention or treatment of diseases or conditions of the respiratory and cardiovascular systems; pharmaceutical preparations, sold both within inhalers and in other forms, for the treatment of erectile dysfunction, premature ejaculation, chronic obstructive pulmonary disease, female sexual dysfunction, migraine, asthma, viral infections in asthma and chronic obstructive pulmonary disease, lung transplant rejection, aspergillosis, cystic fibrosis, epilepsy, restless leg syndrome, sleep disorders and Parkinson's disease; drug delivery agents consisting of compounds that facilitate delivery of pharmaceuticals, sold both within inhalers and in other forms, formulated for pulmonary delivery via inhalation

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

For: Drug delivery systems; drug delivery devices, namely, inhalers for medical purposes sold empty; metered dose inhalers for medical purposes sold empty; active dry powder inhalers for medical purposes sold empty; passive dry powder inhalers for medical purposes sold empty; nebulisers for respiration therapy; replacement parts and fittings for all the aforesaid goods

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 66(a)

For: Printed matter, namely, printed publications in the nature of magazines, newsletters, pamphlets, reports, instructional and informational leaflets, and posters, in the fields of medicine and pharmaceuticals; paper, cardboard and goods made from these materials, namely, cardboard pharmaceutical packaging; blank patient record cards and prescription pads; pharmaceutical information leaflets; books in the fields of medicine and pharmaceuticals; packaging paper; stationery; printed instructional and teaching materials relating to the pharmaceutical, health care and medical fields

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Holaira001574

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Vectura Delivery Devices Limited

Owner Address: 1 Prospect West
Chippenham Wiltshire SN14 6FH
UNITED KINGDOM

Legal Entity Type: limited company (ltd.) **State or Country Where Organized:** UNITED KINGDOM

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mark B. Harrison

Docket Number: 60895-245953

Correspondent

Correspondent Name/Address: MARK B. HARRISON
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DISTRICT OF COLUMBIA 20043-9998
UNITED STATES

Phone: 202 344 4000

Fax: 202 344 8300

Domestic Representative

Domestic Representative Name: Mark B. Harrison

Phone: 202 344 4000

Fax: 202 344 8300

Prosecution History

Date	Description	Proceeding Number
Feb. 24, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Nov. 10, 2011	FINAL DISPOSITION NOTICE SENT TO IB	
Nov. 04, 2011	FINAL DISPOSITION PROCESSED	68359
Nov. 02, 2011	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Aug. 02, 2011	REGISTERED-PRINCIPAL REGISTER	
May 17, 2011	PUBLISHED FOR OPPOSITION	
May 13, 2011	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Apr. 27, 2011	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Apr. 27, 2011	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Apr. 27, 2011	NOTICE OF PUBLICATION	
Apr. 09, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Apr. 08, 2011	ASSIGNED TO LIE	77312
Apr. 08, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 30, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 30, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 30, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 04, 2010	PRIORITY ACTION MAILED	
Oct. 04, 2010	PRIORITY ACTION WRITTEN	76419
Sep. 08, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 07, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 07, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 07, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Mar. 10, 2010	NON-FINAL ACTION MAILED	
Mar. 10, 2010	NON-FINAL ACTION WRITTEN	76419
Feb. 19, 2010	LIE CHECKED SUSP - TO ATTY FOR ACTION	78145
Feb. 18, 2010	ASSIGNED TO LIE	78145
Oct. 14, 2009	NEW REPRESENTATIVE AT IB RECEIVED	
Oct. 09, 2009	CHANGE OF OWNER RECEIVED FROM IB	
Aug. 17, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78288
Feb. 17, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78288
Aug. 28, 2008	NEW REPRESENTATIVE AT IB RECEIVED	
Aug. 15, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78288
Apr. 24, 2008	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Apr. 10, 2008	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Apr. 10, 2008	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Feb. 07, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78288
Jul. 30, 2007	LETTER OF SUSPENSION MAILED	
Jul. 28, 2007	SUSPENSION LETTER WRITTEN	76419
Jun. 14, 2007	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	78288
Jun. 14, 2007	ASSIGNED TO LIE	78288
May 29, 2007	PAPER RECEIVED	
Dec. 15, 2006	REFUSAL PROCESSED BY IB	
Nov. 29, 2006	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Nov. 29, 2006	REFUSAL PROCESSED BY MPU	74217
Nov. 22, 2006	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Nov. 21, 2006	NON-FINAL ACTION WRITTEN	76419
Nov. 14, 2006	ASSIGNED TO EXAMINER	76419
Nov. 14, 2006	NEW APPLICATION ENTERED IN TRAM	
Nov. 09, 2006	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 0900626	International Registration Date: Aug. 10, 2005
Priority Claimed Flag: Yes	Date of Section 67 Priority Claim: Feb. 17, 2005
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Nov. 09, 2006
Notification of Designation Date: Nov. 09, 2006	Date of Automatic Protection: May 09, 2008
International Registration Renewal Date: Aug. 10, 2015	
First Refusal Flag: Yes	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 02, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Vectura Delivery Devices Limited

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4077/0151

Pages: 2

Date Recorded: Oct. 09, 2009

Supporting Documents: [assignment-tm-4077-0151.pdf](#)

Assignor

Name: VECTURA LIMITED
Legal Entity Type: UNKNOWN

Execution Date: Aug. 19, 2009
State or Country Where Organized: UNITED KINGDOM

Assignee

Name: VECTURA DELIVERY DEVICES LIMITED
Legal Entity Type: UNKNOWN
Address: 1 PROSPECT WEST
CHIPPENHAM
WILTSHIRE SN14 6FH, UNITED KINGDOM

State or Country Where Organized: No Place Where Organized Found

Correspondent

Correspondent Name: VECTURA DELIVERY DEVICES LIMITED
Correspondent Address: 1 PROSPECT WEST
CHIPPENHAM
WILTSHIRE SN14 6FH
UNITED KINGDOM

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 16

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Mark: CAIRE

CAIRE

US Serial Number: 85313705
US Registration Number: 4163421
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jun. 26, 2012
Publication Date: Apr. 10, 2012

Application Filing Date: May 05, 2011

Registration Date: Jun. 26, 2012

Mark Information

Mark Literal Elements: CAIRE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Translation: The wording "CAIRE" has no meaning in a foreign language.

Related Properties Information

Claimed Ownership of US Registrations: 1893782, 1893785

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: medical respiratory equipment, namely, liquid oxygen stationary and portable reservoirs and stationary and portable oxygen concentrators

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 1993

Use in Commerce: Jun. 1993

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Chart Inc.
Owner Address: Suite 300
One Infinity Corporate Centre Dr.
Garfield Heights, OHIO 44125
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Holaira001578

Attorney Name: Mark I. Feldman

Attorney Primary Email ch.tm@dlapiper.com
Address:

Attorney Email No
Authorized:

Correspondent

Correspondent Name/Address: MARK I. FELDMAN
DLA PIPER LLP (US)
PO BOX 64807
CHICAGO, ILLINOIS 60664-0807
UNITED STATES

Phone: 312 368 4000

Fax: 312 236 7516

Correspondent e-mail: ch.tm@dlapiper.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 26, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 10, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 10, 2012	PUBLISHED FOR OPPOSITION	
Mar. 21, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 07, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Mar. 07, 2012	ASSIGNED TO LIE	77312
Feb. 17, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 17, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 17, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 17, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 17, 2012	EXAMINERS AMENDMENT -WRITTEN	85331
Feb. 16, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 16, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 16, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 16, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 18, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 18, 2011	NON-FINAL ACTION E-MAILED	6325
Aug. 18, 2011	NON-FINAL ACTION WRITTEN	85331
Aug. 17, 2011	ASSIGNED TO EXAMINER	85331
May 11, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 09, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 26, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Chart Inc.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [4819/0569](#)

Pages: 6

Date Recorded: Jul. 11, 2012

Supporting Documents: [assignment-tm-4819-0569.pdf](#)

Assignor

Name: [CHART INC.](#)

Execution Date: Apr. 26, 2012

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Assignee

Name: JPMORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

**State or Country Where
Organized:** UNITED STATES

Address: 10 SOUTH DEARBORN
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: DUSAN CLARK, ESQ.

Correspondent Address: SIDLEY AUSTIN LLP
717 N. HARWOOD ST., SUITE 3400
DALLAS, TX 75201

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 17

Generated on: This page was generated by TSDR on 2015-07-02 16:34:42 EDT

Mark: CAIRE



US Serial Number: 85313715

Application Filing Date: May 05, 2011

US Registration Number: 4163422

Registration Date: Jun. 26, 2012

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jun. 26, 2012

Publication Date: Apr. 10, 2012

Mark Information

Mark Literal Elements: CAIRE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the wording "CAIRE" with a design of three wavy lines above the wording.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Translation: The wording "CAIRE" has no meaning in a foreign language.

Design Search Code(s): 26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)
26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

Related Properties Information

Claimed Ownership of US Registrations: 1893782, 1893785

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,* identify additional (new) wording in the goods/services.

For: medical respiratory equipment, namely, liquid oxygen stationary and portable reservoirs and stationary and portable oxygen concentrators

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 1993

Use in Commerce: Jun. 1993

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Chart Inc.

Owner Address: Suite 300
One Infinity Corporate Centre Dr.
Garfield Heights, OHIO 44125
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where: DELAWARE

Holaira001581

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mark I. Feldman

Attorney Primary Email ch.tm@dlapiper.com
Address:

Attorney Email No
Authorized:

Correspondent

Correspondent Name/Address: MARK I. FELDMAN
DLA PIPER LLP (US)
PO BOX 64807
CHICAGO, ILLINOIS 60664-0807
UNITED STATES

Phone: 312 368 4000

Fax: 312 236 7516

Correspondent e-mail: ch.tm@dlapiper.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 26, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 10, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 10, 2012	PUBLISHED FOR OPPOSITION	
Mar. 21, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 07, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Mar. 07, 2012	ASSIGNED TO LIE	77312
Feb. 17, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 17, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 17, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 17, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 17, 2012	EXAMINERS AMENDMENT -WRITTEN	85331
Feb. 16, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 16, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 16, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 18, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 18, 2011	NON-FINAL ACTION E-MAILED	6325
Aug. 18, 2011	NON-FINAL ACTION WRITTEN	85331
Aug. 17, 2011	ASSIGNED TO EXAMINER	85331
May 12, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
May 11, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 09, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 26, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Chart Inc.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [4819/0569](#)

Pages: 6

Date Recorded: Jul. 11, 2012

Holaira001582

Supporting Documents: [assignment-tm-4819-0569.pdf](#)

Assignor

Name: CHART INC. Execution Date: Apr. 26, 2012
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: JPMORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AGENT
Legal Entity Type: NATIONAL BANKING ASSOCIATION State or Country Where Organized: UNITED STATES
Address: 10 SOUTH DEARBORN
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: DUSAN CLARK, ESQ.
Correspondent Address: SIDLEY AUSTIN LLP
717 N. HARWOOD ST., SUITE 3400
DALLAS, TX 75201

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 18

Generated on: This page was generated by TSDR on 2015-07-03 14:52:07 EDT

Mark: CIRCULAIRE

US Serial Number: 75268472
US Registration Number: 2144663
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: May 18, 2007
Publication Date: Dec. 23, 1997

Application Filing Date: Apr. 03, 1997
Registration Date: Mar. 17, 1998

Mark Information

Mark Literal Elements: CIRCULAIRE
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: medical apparatus, namely, aerosol products comprising delivery tubes, nebulizers and reservoir bags for use in delivering pharmaceutical preparations in the form of inhalants

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 1994

Use in Commerce: Apr. 1994

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Westmed, Inc.
Owner Address: 109 INVERNESS DRIVE EAST
SUITE A
ENGLEWOOD, COLORADO 80112
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: ARIZONA

Attorney/Correspondence Information

Attorney of Record

Holaira001646

Attorney Name: Miriam D. Trudell
Attorney Primary Email mtrudell@sheridanross.com
Address:

Docket Number: 3170-4
Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Miriam D. Trudell
Sheridan Ross P.C.
1560 BROADWAY, SUITE 1200
DENVER, COLORADO 80202-5141
UNITED STATES

Correspondent e-mail: mtrudell@sheridanross.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 18, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
May 18, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 15, 2007	ASSIGNED TO PARALEGAL	67603
May 09, 2007	CASE FILE IN TICRS	
Apr. 16, 2007	TEAS SECTION 8 & 9 RECEIVED	
Apr. 22, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 12, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Mar. 17, 1998	REGISTERED-PRINCIPAL REGISTER	
Dec. 23, 1997	PUBLISHED FOR OPPOSITION	
Nov. 21, 1997	NOTICE OF PUBLICATION	
Oct. 28, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 24, 1997	EXAMINER'S AMENDMENT MAILED	
Oct. 14, 1997	ASSIGNED TO EXAMINER	73341

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Mar. 17, 2008

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: May 18, 2007

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Westmed, Inc.

Assignment 1 of 2

Conveyance: SECURITY INTEREST EFFECTIVE 11272006

Reel/Frame: [3450/0367](#)

Pages: 9

Date Recorded: Dec. 22, 2006

Supporting Documents: [assignment-tm-3450-0367.pdf](#)

Assignor

Name: [WESTMED, INC.](#)

Execution Date: Nov. 27, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: ARIZONA

Assignee

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where UNITED STATES

Holaira001647

Organized:

Address: 1740 BROADWAY
MAC C7300-210
DENVER, COLORADO 80274

Correspondent

Correspondent Name: SONYA RUSSELL

Correspondent Address: 170 SOUTH MAIN STREET; SUITE 900
DORSEY & WHITNEY
SALT LAKE CITY, UT 84101

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 3820/0239

Pages: 7

Date Recorded: Jul. 22, 2008

Supporting Documents: assignment-tm-3820-0239.pdf

Assignor

Name: WELLS FARGO BANK, NATIONAL
ASSOCIATION

Execution Date: Jul. 22, 2008

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: UNITED STATES

Assignee

Name: WESTMED, INC.

Legal Entity Type: CORPORATION

State or Country Where
Organized: ARIZONA

Address: 5580 S. NOGALES HIGHWAY
TUCSON, ARIZONA 85706

Correspondent

Correspondent Name: SONYA RUSSELL

Correspondent Address: 136 SOUTH MAIN STREET
SUITE 1000
SALT LAKE CITY, UT 84101

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 19

Generated on: This page was generated by TSDR on 2015-07-02 16:32:51 EDT

Mark: GENUAIR

GENUAIR

US Serial Number: 85255744
US Registration Number: 4090022
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jan. 24, 2012
Publication Date: Nov. 08, 2011
Application Filing Date: Mar. 02, 2011
Registration Date: Jan. 24, 2012

Mark Information

Mark Literal Elements: GENUAIR
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3318693, 3547148, 3623195 and others

Foreign Information

Foreign Registration Number: 2707043
Foreign Registration Date: Sep. 04, 2006
Foreign Application/Registration Country: SPAIN
Foreign Expiration Date: Sep. 04, 2016

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for treating respiratory diseases, supplied in pre-filled inhalers

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: Inhalers for medical purposes, for the treatment of respiratory diseases; medical devices for the treatment of respiratory diseases, namely, medical apparatus for diagnosing or treating respiratory conditions

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Holaira001584

Owner Name: ASTRAZENECA AB
Owner Address: VASTRA MALAREHAMNEN 9
SODERTALJE SE 151 85
SWEDEN

Legal Entity Type: STOCK COMPANY

State or Country Where Organized: SWEDEN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Wm. Charles Saunders
Attorney Primary Email Address: trademarks@astrazeneca.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Wm. Charles Saunders
AstraZeneca Pharmaceuticals LP
1800 Concord Pike
FOP3-318
Wilmington, DELAWARE 19850-5437
UNITED STATES
Phone: (302) 885-4268 Fax: (302) 885-9717
Correspondent e-mail: trademarks@astrazeneca.com chuck.saunders@astrazeneca.com astrazeneca.com paula.wright@astrazeneca.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Susan Upton Douglass Phone: 212-813-5900
Fax: 212-813-5901
Domestic Representative e-mail: sdouglass@frosszelnick.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jun. 08, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 08, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 22, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 24, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 08, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 08, 2011	PUBLISHED FOR OPPOSITION	
Sep. 30, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Sep. 28, 2011	ASSIGNED TO LIE	68123
Sep. 16, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 16, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 16, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 16, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 29, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 29, 2011	NON-FINAL ACTION E-MAILED	6325
May 29, 2011	NON-FINAL ACTION WRITTEN	74671
May 28, 2011	ASSIGNED TO EXAMINER	74671
Mar. 08, 2011	NOTICE OF PSEUDO MARK MAILED	
Mar. 07, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 05, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 24, 2012

Assignment Abstract Of Title Information

Holaira001585

Summary

Total Assignments: 2

Registrant: Almirall, S.A.

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5499/0280

Pages: 23

Date Recorded: Apr. 17, 2015

Supporting Documents: assignment-tm-5499-0280.pdf**Assignor**Name: ALMIRALL, S.A.

Execution Date: Mar. 31, 2014

Legal Entity Type: CORPORATION

State or Country Where
Organized: No Place Where Organized Found**Assignee**Name: ASTRAZENECA UK LIMITED

Legal Entity Type: LIMITED COMPANY

State or Country Where
Organized: GREAT BRITAINAddress: 2 KINGDOM STREET
LONDON, ENGLAND W2 6BD**Correspondent**

Correspondent Name: CPA GLOBAL LTD

Correspondent Address: LIBERATION HOUSE
CASTLE STREET, JE1 1BL JERSEY

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5499/0318

Pages: 4

Date Recorded: Apr. 17, 2015

Supporting Documents: assignment-tm-5499-0318.pdf**Assignor**Name: ASTRAZENECA UK LIMITED

Execution Date: Mar. 31, 2014

Legal Entity Type: LIMITED COMPANY

State or Country Where
Organized: No Place Where Organized Found**Assignee**Name: ASTRAZENECA AB

Legal Entity Type: STOCK COMPANY

State or Country Where
Organized: SWEDENAddress: VASTRA MALAREHAMNEN 9
SODERTALJE, SWEDEN SE 151 85**Correspondent**

Correspondent Name: CPA GLOBAL LTD

Correspondent Address: LIBERATION HOUSE
CASTLE STREET, JE1 1BL JERSEY

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 20

Generated on: This page was generated by TSDR on 2015-07-02 16:25:38 EDT

Mark: HUMIDAIRE

HUMIDAIRE

US Serial Number: 75334496
US Registration Number: 2386753
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jul. 15, 2010
Publication Date: Jun. 27, 2000
Application Filing Date: Aug. 01, 1997
Registration Date: Sep. 19, 2000

Mark Information

Mark Literal Elements: HUMIDAIRE
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: apparatus for artificial respiration, [respiratory masks and mask filters for medical use,] humidifiers for use with a respiratory apparatus for medical use, and parts for all the foregoing

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 22, 1997

Use in Commerce: Sep. 22, 1997

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ResMed Limited
Owner Address: 1 Elizabeth Macarthur Drive
Bella Vista, NSW 2153
AUSTRALIA
Legal Entity Type: CORPORATION
State or Country Where Organized: AUSTRALIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Ronald E Shapiro
Attorney Primary Email Address: rshapiro@sasiplaw.com
Docket Number: CPA8085
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Ronald E Shapiro
Shapiro and Silverstein PLLC
11350 Random Hills Road, Suite 740
Fairfax, VIRGINIA 22030

Holaira001587

UNITED STATES

Phone: 703-273-7680

Fax: 703-273-7684

Correspondent e-mail: rshapiro@sasiplaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative

Domestic Representative Welsh & Katz, Ltd.
Name:

Prosecution History

Date	Description	Proceeding Number
Jul. 15, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Jul. 15, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 14, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Jul. 13, 2010	TEAS SECTION 8 & 9 RECEIVED	
Feb. 09, 2006	CASE FILE IN TICRS	
Dec. 19, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	60132
Dec. 19, 2005	ASSIGNED TO PARALEGAL	60132
Nov. 17, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 17, 2005	PAPER RECEIVED	
Sep. 19, 2000	REGISTERED-PRINCIPAL REGISTER	
Jun. 27, 2000	PUBLISHED FOR OPPOSITION	
May 26, 2000	NOTICE OF PUBLICATION	
Sep. 09, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 09, 1999	USE AMENDMENT ACCEPTED	
Apr. 12, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 29, 1998	NON-FINAL ACTION MAILED	
Dec. 22, 1998	ASSIGNED TO EXAMINER	71994
Sep. 14, 1998	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 08, 1998	AMENDMENT TO USE PROCESSING COMPLETE	
Sep. 14, 1998	USE AMENDMENT FILED	
Mar. 13, 1998	NON-FINAL ACTION MAILED	
Mar. 11, 1998	ASSIGNED TO EXAMINER	69185

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 19, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 15, 2010

Holaira001588

APPLICANT'S EXHIBIT 21

Generated on: This page was generated by TSDR on 2015-07-03 14:51:39 EDT

Mark: MAXAIR

US Serial Number: 73718681
US Registration Number: 1523151
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Mar. 31, 2009
Publication Date: Nov. 15, 1988
Application Filing Date: Mar. 25, 1988
Registration Date: Feb. 07, 1989

Mark Information

Mark Literal Elements: MAXAIR
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: PIRBUTEROL PHARMACEUTICAL PREPARATION FOR THE TREATMENT OF BRONCHOSPASM

International Class(es): 005 - Primary Class

U.S Class(es): 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 10, 1988

Use in Commerce: Feb. 10, 1988

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: MEDICIS PHARMACEUTICAL CORPORATION
Owner Address: 7720 NORTH DOBSON ROAD
SCOTTSDALE, ARIZONA 85256
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney Name: Sally M. Abel
Attorney Primary Email: trademarks@fenwick.com
Attorney of Record
Docket Number: 29043-00070
Attorney Email: Yes

Holaira001628

Address: _____

Authorized: _____

Correspondent

Correspondent Sally M. Abel
Name/Address: Fenwick & West LLP
 801 California Street
 Silicon Valley Center
 Mountain View, CALIFORNIA 94041
 UNITED STATES

Phone: (650) 988-8500**Fax:** (650) 938-5200**Correspondent e-mail:** trademarks@fenwick.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jan. 21, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 01, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 20, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 20, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 04, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 31, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Mar. 31, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 09, 2009	ASSIGNED TO PARALEGAL	73376
Feb. 06, 2009	TEAS SECTION 8 & 9 RECEIVED	
Jul. 18, 2008	CASE FILE IN TICRS	
May 16, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 28, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 21, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 07, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 25, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 14, 1995	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 26, 1994	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 12, 1994	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
Feb. 22, 1994	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Feb. 07, 1989	REGISTERED-PRINCIPAL REGISTER	
Nov. 15, 1988	PUBLISHED FOR OPPOSITION	
Oct. 15, 1988	NOTICE OF PUBLICATION	
Aug. 19, 1988	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 18, 1988	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 15, 1988	NON-FINAL ACTION MAILED	
May 16, 1988	ASSIGNED TO EXAMINER	66354

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 07, 2009**TM Staff and Location Information****TM Staff Information - None****File Location****Current Location:** POST REGISTRATION**Date in Location:** Mar. 31, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 11

Registrant: RIKER LABORATORIES, INC.

Assignment 1 of 11

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3233/0442

Pages: 3

Date Recorded: Jan. 25, 2006

Supporting Documents: [assignment-tm-3233-0442.pdf](#)

Assignor

Name: RIKER LABORATORIES, INC.

Execution Date: Jan. 25, 2006

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: 3M COMPANY

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 2501 HUDSON ROAD
3M CENTER
ST. PAUL, MINNESOTA 55144

Correspondent

Correspondent Name: JAMES F. VOEGELI

Correspondent Address: 2501 HUDSON ROAD
3M CENTER, BLDG. 220-9E-01
ST. PAUL, MN 55144

Domestic Representative - Not Found

Assignment 2 of 11

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3467/0917

Pages: 67

Date Recorded: Jan. 25, 2007

Supporting Documents: [assignment-tm-3467-0917.pdf](#)

Assignor

Name: 3M COMPANY

Execution Date: Dec. 29, 2006

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: GRACEWAY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 340 EDMONT AVENUE
SUITE 500
BRISTOL, TENNESSEE 37620

Correspondent

Correspondent Name: CARRIE WEBB OLSON

Correspondent Address: P.O. BOX 130
F.D.R. STATION
NEW YORK, NY 10150

Domestic Representative - Not Found

Assignment 3 of 11

Conveyance: FIRST LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3503/0854

Pages: 8

Date Recorded: Mar. 20, 2007

Supporting Documents: [assignment-tm-3503-0854.pdf](#)

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: Dec. 29, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Execution Date: Dec. 29, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Assignee**Name:** BANK OF AMERICA, N.A., AS FIRST LIEN COLLATERAL AGENT**Legal Entity Type:** NATIONAL BANKING ASSOCIATION**State or Country Where Organized:** No Place Where Organized Found**Address:** 101 N. TRYON STREET
MAIL CODE NC1-001-15-14
CHARLOTTE, NORTH CAROLINA 28255**Correspondent****Correspondent Name:** CORPORATION SERVICE COMPANY**Correspondent Address:** 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036**Domestic Representative - Not Found****Assignment 4 of 11****Conveyance:** SECOND LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS**Reel/Frame:** 3506/0506**Pages:** 8**Date Recorded:** Mar. 23, 2007**Supporting Documents:** assignment-tm-3506-0506.pdf**Assignor****Name:** GRACEWAY PHARMACEUTICALS, LLC**Execution Date:** Dec. 29, 2006**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** DELAWARE**Name:** CHESTER VALLEY PHARMACEUTICALS, LLC**Execution Date:** Dec. 29, 2006**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** DELAWARE**Assignee****Name:** BANK OF AMERICA, N.A., AS SECOND LIEN COLLATERAL AGENT**Legal Entity Type:** NATIONAL BANKING ASSOCIATION**State or Country Where Organized:** No Place Where Organized Found**Address:** 101 N. TRYON STREET
MAIL CODE NC1-001-15-14
CHARLOTTE, NORTH CAROLINA 28255**Correspondent****Correspondent Name:** CORPORATION SERVICE COMPANY**Correspondent Address:** 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036**Domestic Representative - Not Found****Assignment 5 of 11****Conveyance:** RELEASE OF FIRST LIEN SECURITY INTEREST IN TRADEMARKS**Reel/Frame:** 3539/0761**Pages:** 6**Date Recorded:** May 10, 2007**Supporting Documents:** assignment-tm-3539-0761.pdf**Assignor****Name:** BANK OF AMERICA, N.A.**Execution Date:** May 03, 2007**Legal Entity Type:** NATIONAL BANKING ASSOCIATION**State or Country Where Organized:** No Place Where Organized Found**Assignee****Name:** CHESTER VALLEY PHARMACEUTICALS, LLC**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** DELAWARE**Address:** 2 WEST LIBERTY BLVD.
SUITE 203
MALVERN, PENNSYLVANIA 19355**Name:** GRACEWAY PHARMACEUTICALS, LLC**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** DELAWARE**Address:** 340 EDMONT AVENUE
SUITE 500
BRISTOL, TENNESSEE 37620**Correspondent****Correspondent Name:** CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 6 of 11

Conveyance: RELEASE OF SECOND LIEN SECURITY INTEREST IN TRADEMARKS

Reel/Frame: 3539/0782

Pages: 6

Date Recorded: May 10, 2007

Supporting Documents: assignment-tm-3539-0782.pdf

Assignor

Name: BANK OF AMERICA, N.A.

Execution Date: May 03, 2007

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: GRACEWAY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 340 EDMONT AVENUE
SUITE 500
BRISTOL, TENNESSEE 37620

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 2 WEST LIBERTY BLVD.
SUITE 203
MALVERN, PENNSYLVANIA 19355

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 7 of 11

Conveyance: FIRST LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3540/0445

Pages: 16

Date Recorded: May 10, 2007

Supporting Documents: assignment-tm-3540-0445.pdf

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: BANK OF AMERICA, N.A., AS FIRST LIEN COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 101 N. TRYON STREET
MAIL CODE NC1-001-15-14
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 8 of 11

Conveyance: SECOND LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3540/0644

Pages: 16

Date Recorded: May 11, 2007

Supporting Documents: [assignment-tm-3540-0644.pdf](#)

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC Execution Date: May 03, 2007
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: No Place Where Organized Found

Name: CHESTER VALLEY PHARMACEUTICALS, LLC Execution Date: May 03, 2007
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

Assignee

Name: DEUTSCHE BANK TRUST COMPANY AMERICAS, AS SECOND LIEN COLLATERAL AGENT
Legal Entity Type: BANK State or Country Where Organized: No Place Where Organized Found
Address: 60 WALL STREET
NEW YORK, NEW YORK 10005

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY
Correspondent Address: 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 9 of 11

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: 4688/0271 Pages: 11
Date Recorded: Dec. 28, 2011
Supporting Documents: [assignment-tm-4688-0271.pdf](#)

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC Execution Date: Dec. 02, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

Assignee

Name: MEDICIS PHARMACEUTICAL CORPORATION
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 7720 NORTH DOBSON ROAD
SCOTTSDALE, ARIZONA 85256

Correspondent

Correspondent Name: PATRICK J. CONCANNON
Correspondent Address: EDWARDS WILDMAN PALMER LLP
F.D.R. STATION, P.O. BOX 130
NEW YORK, NY 10150

Domestic Representative - Not Found

Assignment 10 of 11

Conveyance: SECURITY AGREEMENT
Reel/Frame: 5012/0736 Pages: 23
Date Recorded: Apr. 24, 2013
Supporting Documents: [assignment-tm-5012-0736.pdf](#)

Assignor

Name: MEDICIS PHARMACEUTICAL CORPORATION Execution Date: Apr. 23, 2013
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: GOLDMAN SACHS LENDING PARTNERS LLC
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE
Address: 200 WEST STREET
NEW YORK, NEW YORK 10282

Correspondent

Correspondent Name: ELAINE CARRERA, LEGAL ASSISTANT
Correspondent Address: 80 PINE STREET
CAHILL GORDON & REINDEL LLP
NEW YORK, NY 10005

Domestic Representative - Not Found**Assignment 11 of 11****Conveyance:** NOTICE OF SUCCESSION OF AGENCY**Reel/Frame:** 5439/0392**Pages:** 50**Date Recorded:** Jan. 09, 2015**Supporting Documents:** assignment-tm-5439-0392.pdf**Assignor****Name:** GOLDMAN SACHS LENDING PARTNERS, LLC**Execution Date:** Jan. 08, 2015**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** DELAWARE**Assignee****Name:** BARCLAYS BANK PLC, AS SUCCESSOR AGENT**Legal Entity Type:** BANK**State or Country Where Organized:** UNITED KINGDOM**Address:** 745 SEVENTH AVENUE
NEW YORK, NEW YORK 10019**Correspondent****Correspondent Name:** ELAINE CARRERA, LEGAL ASSISTANT**Correspondent Address:** 80 PINE STREET
C/O CAHILL GORDON & REINDEL LLP
NEW YORK, NY 10005**Domestic Representative - Not Found****Proceedings****Summary****Number of Proceedings:** 1**Type of Proceeding: Opposition****Proceeding Number:** 91107074**Filing Date:** Jul 22, 1997**Status:** Terminated**Status Date:** Jun 02, 1998**Interlocutory Attorney:** CHARLES GRENDEL**Defendant****Name:** AMERICAN WHITE CROSS, INC.**Correspondent Address:** PAULA D. MORRIS
ROSENBLATT & REDANO, P.C.
ONE GREENWAY PLAZA SUITE 500
HOUSTON TX , 77046
UNITED STATES**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AIR MAX	Abandoned - After Inter-Partes Decision	<u>75139476</u>	
Plaintiff(s)			

Name: MINNESOTA MINING AND MANUFACTURING COMPANY**Correspondent Address:** MICHAEL S. METTEAUER
ARNOLD, WHITE & DURKEE
P.O. BOX 4433
HOUSTON TX , 77210
UNITED STATES**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MAXAIR	Renewed	<u>73718681</u>	<u>1523151</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 22, 1997	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Aug 06, 1997	Sep 15, 1997
3	PENDING, INSTITUTED	Aug 04, 1997	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 12, 1997	
5	PROCS RESUMED; ANSWER DUE 30 DAYS	Apr 16, 1998	

6	BOARD'S DECISION: SUSTAINED	Jun 02, 1998
7	TERMINATED	Jun 02, 1998

APPLICANT'S EXHIBIT 22

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Mark: MAXAIR

MAXAIR

US Serial Number: 78855435
US Registration Number: 3208459
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Mar. 04, 2013
Publication Date: Nov. 28, 2006
Application Filing Date: Apr. 06, 2006
Registration Date: Feb. 13, 2007

Mark Information

Mark Literal Elements: MAXAIR
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1523151

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations, namely, bronchodilators for treating respiratory conditions such as bronchospasm and asthma

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 31, 1990

Use in Commerce: Jan. 31, 1990

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: MEDICIS PHARMACEUTICAL CORPORATION
Owner Address: 7720 NORTH DOBSON ROAD
SCOTTSDALE, ARIZONA 85256
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Sally M. Abel
Attorney Primary Email: trademarks@fenwick.com
Docket Number: 29043-00070
Attorney Email: Yes

Holaira001689

Address:

Authorized:

Correspondent

Correspondent Sally M. Abel
Name/Address: Fenwick & West LLP
 801 California Street
 Silicon Valley Center
 Mountain View, CALIFORNIA 94041
 UNITED STATES

Phone: (650) 988-8500

Fax: (650) 938-5200

Correspondent e-mail: trademarks@fenwick.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 21, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 01, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 04, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 04, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Mar. 04, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Feb. 12, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jan. 04, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 05, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 05, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 16, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 28, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 21, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 13, 2007	REGISTERED-PRINCIPAL REGISTER	
Feb. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 25, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 28, 2006	PUBLISHED FOR OPPOSITION	
Nov. 08, 2006	NOTICE OF PUBLICATION	
Oct. 02, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Sep. 28, 2006	ASSIGNED TO LIE	76568
Sep. 17, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 17, 2006	ASSIGNED TO EXAMINER	76151
Apr. 12, 2006	NOTICE OF PSEUDO MARK MAILED	
Apr. 11, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 106

Date in Location: Mar. 04, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 10

Registrant: 3M Company

Assignment 1 of 10

Holaira001690

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3467/0917

Pages: 67

Date Recorded: Jan. 25, 2007

Supporting Documents: assignment-tm-3467-0917.pdf

Assignor

Name: 3M COMPANY

Execution Date: Dec. 29, 2006

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: GRACEWAY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 340 EDMONT AVENUE
SUITE 500
BRISTOL, TENNESSEE 37620

Correspondent

Correspondent Name: CARRIE WEBB OLSON

Correspondent Address: P.O. BOX 130
F.D.R. STATION
NEW YORK, NY 10150

Domestic Representative - Not Found

Assignment 2 of 10

Conveyance: FIRST LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3503/0854

Pages: 8

Date Recorded: Mar. 20, 2007

Supporting Documents: assignment-tm-3503-0854.pdf

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: Dec. 29, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Execution Date: Dec. 29, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Assignee

Name: BANK OF AMERICA, N.A., AS FIRST LIEN COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Address: 101 N. TRYON STREET
MAIL CODE NC1-001-15-14
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 3 of 10

Conveyance: SECOND LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3506/0506

Pages: 8

Date Recorded: Mar. 23, 2007

Supporting Documents: assignment-tm-3506-0506.pdf

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: Dec. 29, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Execution Date: Dec. 29, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Assignee

Name: BANK OF AMERICA, N.A., AS SECOND LIEN COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 101 N. TRYON STREET
MAIL CODE NC1-001-15-14
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 4 of 10

Conveyance: RELEASE OF FIRST LIEN SECURITY INTEREST IN TRADEMARKS

Reel/Frame: 3539/0761

Pages: 6

Date Recorded: May 10, 2007

Supporting Documents: assignment-tm-3539-0761.pdf

Assignor

Name: BANK OF AMERICA, N.A.

Execution Date: May 03, 2007

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 2 WEST LIBERTY BLVD.
SUITE 203
MALVERN, PENNSYLVANIA 19355

Name: GRACEWAY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 340 EDMONT AVENUE
SUITE 500
BRISTOL, TENNESSEE 37620

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 5 of 10

Conveyance: RELEASE OF SECOND LIEN SECURITY INTEREST IN TRADEMARKS

Reel/Frame: 3539/0782

Pages: 6

Date Recorded: May 10, 2007

Supporting Documents: assignment-tm-3539-0782.pdf

Assignor

Name: BANK OF AMERICA, N.A.

Execution Date: May 03, 2007

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: GRACEWAY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 340 EDMONT AVENUE
SUITE 500
BRISTOL, TENNESSEE 37620

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 2 WEST LIBERTY BLVD.
SUITE 203
MALVERN, PENNSYLVANIA 19355

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 6 of 10

Conveyance: FIRST LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3540/0445

Pages: 16

Date Recorded: May 10, 2007

Supporting Documents: [assignment-tm-3540-0445.pdf](#)

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Assignee

Name: BANK OF AMERICA, N.A., AS FIRST LIEN COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Address: 101 N. TRYON STREET
MAIL CODE NC1-001-15-14
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 7 of 10

Conveyance: SECOND LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3540/0644

Pages: 16

Date Recorded: May 11, 2007

Supporting Documents: [assignment-tm-3540-0644.pdf](#)

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: No Place Where Organized Found

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Assignee

Name: DEUTSCHE BANK TRUST COMPANY AMERICAS, AS SECOND LIEN COLLATERAL AGENT

Legal Entity Type: BANK

State or Country Where
Organized: No Place Where Organized Found

Address: 60 WALL STREET
NEW YORK, NEW YORK 10005

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS
SUITE 3100
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 8 of 10

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4688/0271

Pages: 11

Date Recorded: Dec. 28, 2011

Supporting Documents: [assignment-tm-4688-0271.pdf](#)

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: Dec. 02, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Assignee

Name: MEDICIS PHARMACEUTICAL CORPORATION

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 7720 NORTH DOBSON ROAD
SCOTTSDALE, ARIZONA 85256

Correspondent

Correspondent Name: PATRICK J. CONCANNON

Correspondent Address: EDWARDS WILDMAN PALMER LLP
F.D.R. STATION, P.O. BOX 130
NEW YORK, NY 10150

Domestic Representative - Not Found

Assignment 9 of 10

Conveyance: SECURITY AGREEMENT

Reel/Frame: 5012/0736

Pages: 23

Date Recorded: Apr. 24, 2013

Supporting Documents: assignment-tm-5012-0736.pdf

Assignor

Name: MEDICIS PHARMACEUTICAL CORPORATION

Execution Date: Apr. 23, 2013

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: GOLDMAN SACHS LENDING PARTNERS LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Address: 200 WEST STREET
NEW YORK, NEW YORK 10282

Correspondent

Correspondent Name: ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET
CAHILL GORDON & REINDEL LLP
NEW YORK, NY 10005

Domestic Representative - Not Found

Assignment 10 of 10

Conveyance: NOTICE OF SUCCESSION OF AGENCY

Reel/Frame: 5439/0392

Pages: 50

Date Recorded: Jan. 09, 2015

Supporting Documents: assignment-tm-5439-0392.pdf

Assignor

Name: GOLDMAN SACHS LENDING PARTNERS, LLC

Execution Date: Jan. 08, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Assignee

Name: BARCLAYS BANK PLC, AS SUCCESSOR AGENT

Legal Entity Type: BANK

State or Country Where
Organized: UNITED KINGDOM

Address: 745 SEVENTH AVENUE
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name: ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET
C/O CAHILL GORDON & REINDEL LLP
NEW YORK, NY 10005

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 23

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Mark: NUAIR

NUAIR

US Serial Number: 79050504

Application Filing Date: Jan. 09, 2008

US Registration Number: 3547148

Registration Date: Dec. 16, 2008

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Dec. 16, 2008

Publication Date: Sep. 30, 2008

Mark Information

Mark Literal Elements: NUAIR

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

International Registration Number: 0955000

International Registration Date: Jan. 09, 2008

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for the treatment of respiratory diseases

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

For: Inhalers for medical purposes

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Almirall, S.A.

Owner Address: Ronda General Mitre, 151
E-08022 Barcelona
SPAIN

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Holaira001589

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Upton Douglass
Attorney Primary Email Address: sdouglass@fzlz.com

Docket Number: LABA
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Susan Upton Douglass
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NEW YORK 10017
UNITED STATES

Domestic Representative

Domestic Representative Name: Susan Upton Douglass

Phone: (212) 813-5900

Fax: (212) 813-5901

Domestic Representative e-mail: sdouglass@fzlz.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Apr. 21, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Oct. 23, 2009	CHANGE OF OWNER RECEIVED FROM IB	
Mar. 31, 2009	FINAL DISPOSITION NOTICE SENT TO IB	
Mar. 31, 2009	FINAL DISPOSITION PROCESSED	74217
Mar. 17, 2009	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Dec. 16, 2008	REGISTERED-PRINCIPAL REGISTER	
Sep. 30, 2008	PUBLISHED FOR OPPOSITION	
Sep. 10, 2008	NOTICE OF PUBLICATION	
Aug. 26, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	78145
Aug. 25, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 14, 2008	EXAMINER'S AMENDMENT ENTERED	78145
Aug. 13, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 13, 2008	ASSIGNED TO LIE	78145
Aug. 12, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 12, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 12, 2008	EXAMINERS AMENDMENT -WRITTEN	74308
Aug. 08, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 08, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 03, 2008	REFUSAL PROCESSED BY IB	
Apr. 15, 2008	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Apr. 15, 2008	REFUSAL PROCESSED BY MPU	74217
Apr. 15, 2008	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Apr. 14, 2008	NON-FINAL ACTION WRITTEN	74308
Apr. 11, 2008	ASSIGNED TO EXAMINER	74308
Mar. 28, 2008	NEW APPLICATION ENTERED IN TRAM	
Mar. 27, 2008	LIMITATION OF GOODS/SERVICES FROM IB ENTERED	67445
Mar. 27, 2008	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 0955000

Priority Claimed Flag: Yes

International Registration Date: Jan. 09, 2008

Date of Section 67 Priority Claim: Jul. 12, 2007

Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION
PROCESSED

Date of International Registration Status: Mar. 27, 2008

Notification of Designation Date: Mar. 27, 2008

Date of Automatic Protection: Sep. 27, 2009

International Registration Renewal Date: Jan. 09, 2018

First Refusal Flag: Yes

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 16, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Laboratorios Almirall, S.A.

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: 4083/0734

Pages: 2

Date Recorded: Oct. 23, 2009

Supporting Documents: [assignment-tm-4083-0734.pdf](#)

Assignor

Name: LABORATORIOS ALMIRALL, S.A.

Execution Date: Aug. 11, 2009

Legal Entity Type: UNKNOWN

State or Country Where Organized: SPAIN

Assignee

Name: ALMIRALL, S.A.

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: RONDA GENERAL MITRE, 151
E-08022 BARCELONA, SPAIN

Correspondent

Correspondent Name: ALMIRALL, S.A.

Correspondent Address: RONDA GENERAL MITRE, 151
E-08022 BARCELONA
SPAIN

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 24

Generated on: This page was generated by TSDR on 2015-07-02 16:41:52 EDT

Mark: NUAIR

NUAIR

US Serial Number: 86382786
US Registration Number: 4675553
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jan. 20, 2015
Publication Date: Nov. 04, 2014
Application Filing Date: Sep. 02, 2014
Registration Date: Jan. 20, 2015

Mark Information

Mark Literal Elements: NUAIR
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3547148, 4090022

Foreign Information

Foreign Registration Number: 2782571
Foreign Registration Date: Jul. 01, 2008
Foreign Application/Registration Country: SPAIN
Foreign Expiration Date: Jul. 12, 2017

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for treating respiratory diseases, supplied in pre-filled inhalers

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: Inhalers for medical purposes

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Almirall, S.A.

Holaira001592

Owner Address: Ronda General Mitre, 151
Barcelona 08022
SPAIN

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** SPAIN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Upton Douglass
Attorney Primary Email Address: sdouglass@frosszelnick.com
Docket Number: LABA 1406294
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK, NEW YORK 10017-1822
UNITED STATES
Phone: 212-813-5900
Fax: 212-813-5901
Correspondent e-mail: sdouglass@frosszelnick.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Susan Upton Douglass
Phone: 212-813-5900
Fax: 212-813-5901
Domestic Representative e-mail: sdouglass@frosszelnick.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jan. 20, 2015	REGISTERED-PRINCIPAL REGISTER	
Nov. 04, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 04, 2014	PUBLISHED FOR OPPOSITION	
Oct. 15, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 01, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Sep. 30, 2014	ASSIGNED TO LIE	69712
Sep. 17, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 13, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Sep. 12, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT -WRITTEN	90298
Sep. 12, 2014	ASSIGNED TO EXAMINER	90298
Sep. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 05, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 20, 2015

APPLICANT'S EXHIBIT 25

Generated on: This page was generated by TSDR on 2015-07-02 16:33:18 EDT

Mark: PILAIRO

PILAIRO

US Serial Number: 85270798
US Registration Number: 4148736
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 29, 2012
Publication Date: Dec. 06, 2011

Application Filing Date: Mar. 18, 2011

Registration Date: May 29, 2012

Mark Information

Mark Literal Elements: PILAIRO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 837291

Foreign Application Filing Date: Feb. 16, 2011

Foreign Registration Number: 837291

Foreign Registration Date: Feb. 16, 2011

Foreign Application/Registration Country: NEW ZEALAND

Foreign Expiration Date: Feb. 16, 2021

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,* identify additional (new) wording in the goods/services.

For: Respiratory apparatus for medical purposes; humidification apparatus for medical use; medical apparatus for the treatment of obstructive sleep apnea; breathing masks for use in treating obstructive sleep apnea; facial masks, oral masks, nasal masks, nasal cannula, mouthpieces, headgear, breathing tubes, nasal tubes, tubing connectors, tubes, nasal prongs, all being for medical purposes; parts and fittings for all the aforementioned goods

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Fisher & Paykel Healthcare Limited

Owner Address: 15 Maurice Paykel Place, East Tamaki
Auckland 2013
NEW ZEALAND

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: NEW ZEALAND

Holaira001594

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: J. Allison Strickland
Attorney Primary Email Address: Strickland-Docket@fzlz.com

Docket Number: FPHL 1102491
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: J. ALLISON STRICKLAND
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK, NEW YORK 10017-1822
UNITED STATES

Correspondent e-mail: Strickland-Docket@fzlz.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Fross Zelnick Lehrman & Zissu, P.C.

Prosecution History

Date	Description	Proceeding Number
May 29, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 20, 2012	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Dec. 19, 2011	CHANGES/CORRECTIONS AFTER PUB APPROVAL ENTERED	65294
Dec. 19, 2011	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 08, 2011	ASSIGNED TO PETITION STAFF	65294
Dec. 07, 2011	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Dec. 06, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 06, 2011	PUBLISHED FOR OPPOSITION	
Nov. 16, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 01, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Nov. 01, 2011	ASSIGNED TO LIE	70997
Oct. 03, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 27, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 27, 2011	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Jun. 17, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 17, 2011	LETTER OF SUSPENSION E-MAILED	6332
Jun. 17, 2011	SUSPENSION LETTER WRITTEN	76433
Jun. 17, 2011	ASSIGNED TO EXAMINER	76433
Mar. 23, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 22, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 29, 2012

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: [85270798](#)

Status: Terminated

Filing Date: Dec 19, 2011

Status Date: Apr 20, 2012

Holaira001595

Interlocutory Attorney:

Defendant

Name: Fisher & Paykel Healthcare Limited

Correspondent Address: J. ALLISON STRICKLAND
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK NY , 10017-1822
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
PILAIRO	Registered	<u>85270798</u>	<u>4148736</u>

Potential Opposer(s)

Name: Medtronic Xomed, Inc.

Correspondent Address: Trademark Dept.
Medtronic, Inc.
710 Medtronic Parkway
Minneapolis MN , 55432-5604
UNITED STATES

Correspondent e-mail: trademark@medtronic.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 19, 2011	
2	EXTENSION OF TIME GRANTED	Dec 19, 2011	

APPLICANT'S EXHIBIT 26

Generated on: This page was generated by TSDR on 2015-07-02 16:35:11 EDT

Mark: PRESSAIR

PRESSAIR

US Serial Number: 77756493
US Registration Number: 4298420
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Mar. 05, 2013
Publication Date: Oct. 26, 2010
Application Filing Date: Jun. 10, 2009
Registration Date: Mar. 05, 2013
Notice of Allowance Date: Dec. 21, 2010

Mark Information

Mark Literal Elements: PRESSAIR
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Priority Claimed: Yes
Foreign Application Number: 2876136
Foreign Application/Registration Country: SPAIN
Foreign Application Filing Date: May 18, 2009

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for the treatment of respiratory diseases *, excluding preparations containing medical gases*

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2012

Use in Commerce: Nov. 30, 2012

For: Inhalers [for medical purposes] *for use in the administration of pharmaceutical preparations, excluding inhalers that use or dispense gases*

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2012

Use in Commerce: Nov. 30, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: Yes
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ASTRAZENECA AB

Holaira001597

Owner Address: VASTRA MALAREHAMNEN 9
SODERTALJE SE 151 85
SWEDEN

Legal Entity Type: STOCK COMPANY

State or Country Where Organized: SWEDEN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Wm. Charles Saunders

Attorney Primary Email Address: trademarks@astrazeneca.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Wm. Charles Saunders
AstraZeneca Pharmaceuticals LP
1800 Concord Pike
FOP3-318
Wilmington, DELAWARE 19850-5437
UNITED STATES

Phone: (302) 885-4268

Fax: (302) 885-9717

Correspondent e-mail: trademarks@astrazeneca.com chuck.saunders@astrazeneca.com paula.wright@astrazeneca.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Susan Upton Douglass

Phone: 212-813-5900

Fax: 212-813-5901

Domestic Representative e-mail: sdouglass@frosszelnick.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jun. 08, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 08, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 22, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 30, 2014	AMENDMENT UNDER SECTION 7 - ISSUED	68973
Jun. 30, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Jun. 24, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Mar. 05, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 31, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 30, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	70468
Jan. 29, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 28, 2013	STATEMENT OF USE PROCESSING COMPLETE	69302
Jan. 25, 2013	USE AMENDMENT FILED	69302
Jan. 25, 2013	TEAS STATEMENT OF USE RECEIVED	
Nov. 29, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 28, 2012	EXTENSION 4 GRANTED	69302
Nov. 26, 2012	EXTENSION 4 FILED	69302
Nov. 26, 2012	TEAS EXTENSION RECEIVED	
Jun. 08, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 07, 2012	EXTENSION 3 GRANTED	69302
May 31, 2012	EXTENSION 3 FILED	69302
May 31, 2012	TEAS EXTENSION RECEIVED	
Dec. 02, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 01, 2011	EXTENSION 2 GRANTED	69302
Nov. 21, 2011	EXTENSION 2 FILED	69302
Nov. 30, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302

Nov. 21, 2011	TEAS EXTENSION RECEIVED	
Apr. 29, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 27, 2011	EXTENSION 1 GRANTED	98765
Apr. 27, 2011	EXTENSION 1 FILED	98765
Apr. 27, 2011	TEAS EXTENSION RECEIVED	
Dec. 21, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 26, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 26, 2010	PUBLISHED FOR OPPOSITION	
Sep. 20, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Sep. 17, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 15, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 15, 2010	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Mar. 29, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 29, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 19, 2010	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Mar. 19, 2010	INQUIRY TO SUSPENSION E-MAILED	
Mar. 19, 2010	SUSPENSION INQUIRY WRITTEN	81848
Feb. 26, 2010	LIE CHECKED SUSP - TO ATTY FOR ACTION	70468
Feb. 26, 2010	ASSIGNED TO LIE	70468
Jan. 13, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 26, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 26, 2009	LETTER OF SUSPENSION E-MAILED	6332
Aug. 26, 2009	SUSPENSION LETTER WRITTEN	81848
Aug. 25, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 24, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 24, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 16, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION WRITTEN	81848
Jul. 15, 2009	ASSIGNED TO EXAMINER	81848
Jun. 16, 2009	NOTICE OF PSEUDO MARK MAILED	
Jun. 15, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 13, 2009	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Change in Registration: Yes

Amendment to a Registration/Renewal Certificate: In the statement, line 4, after diseases,excluding preparations containing medical gases is inserted. In the statement, line 7, for medical purposes is deleted, and for use in the administration of pharmaceutical preparations, excluding inhalers that use or dispense gases inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jun. 30, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: ALMIRALL, S.A.

Assignment 1 of 3

Conveyance: CHANGE OF NAME

Holaira001599

Reel/Frame: 4129/0547

Pages: 7

Date Recorded: Jan. 12, 2010

Supporting Documents: assignment-tm-4129-0547.pdf

Assignor

Name: LABORATORIOS ALMIRALL, S.A.

Execution Date: Jun. 06, 2009

Legal Entity Type: CORPORATION

State or Country Where
Organized: SPAIN

DBA, AKA, TA, Formerly: FORMERLY ALMIRALL-PRODESFARMA, S.A.

Assignee

Name: ALMIRALL, S.A.

Legal Entity Type: CORPORATION

State or Country Where
Organized: SPAIN

Address: RONDA DEL MITRE, 151
08022 BARCELONA, SPAIN

Correspondent

Correspondent Name: LAWRENCE E. ABELMAN

Correspondent Address: 666 THIRD AVENUE
10TH FLOOR
NEW YORK, NY 10017

Domestic Representative

Domestic Representative
Name: LAWRENCE E. ABELMAN

Domestic Representative
Address: 666 THIRD AVENUE
10TH FLOOR
NEW YORK, NY 10017

Assignment 2 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5499/0280

Pages: 23

Date Recorded: Apr. 17, 2015

Supporting Documents: assignment-tm-5499-0280.pdf

Assignor

Name: ALMIRALL, S.A.

Execution Date: Mar. 31, 2014

Legal Entity Type: CORPORATION

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: ASTRAZENECA UK LIMITED

Legal Entity Type: LIMITED COMPANY

State or Country Where
Organized: GREAT BRITAIN

Address: 2 KINGDOM STREET
LONDON, ENGLAND W2 6BD

Correspondent

Correspondent Name: CPA GLOBAL LTD

Correspondent Address: LIBERATION HOUSE
CASTLE STREET, JE1 1BL JERSEY

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5499/0318

Pages: 4

Date Recorded: Apr. 17, 2015

Supporting Documents: assignment-tm-5499-0318.pdf

Assignor

Name: ASTRAZENECA UK LIMITED

Execution Date: Mar. 31, 2014

Legal Entity Type: LIMITED COMPANY

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: ASTRAZENECA AB

Legal Entity Type: STOCK COMPANY

State or Country Where
Organized: SWEDEN

Address: VASTRA MALAREHAMNEN 9
SODERTALJE, SWEDEN SE 151 85

Correspondent

Correspondent Name: CPA GLOBAL LTD

Correspondent Address: LIBERATION HOUSE
CASTLE STREET, JE1 1BL JERSEY

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 27

Generated on: This page was generated by TSDR on 2015-07-03 14:59:19 EDT

Mark: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL



US Serial Number: 85866035
US Registration Number: 4424929
Register: Principal
Mark Type: Trademark
Amended to Principal Register: Yes
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 29, 2013
Publication Date: Aug. 13, 2013
Application Filing Date: Mar. 04, 2013
Registration Date: Oct. 29, 2013
Date Amended to Current Register: Jun. 14, 2013

Mark Information

Mark Literal Elements: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of a black oval with three curved bands in the color white, centered over the words "PROAIR HFA" in stylized letters in the color black, centered over the words "ALBUTEROL SULFATE" in parenthesis in block letters in the color black, centered over the words "Inhalation Aerosol" in block letters in the color black.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Disclaimer: "HFA (ALBUTEROL SULFATE) INHALATION AEROSOL"
Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

Related Properties Information

Claimed Ownership of US Registrations: 3166297

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Inhalers filled with albuterol sulfate for the treatment of respiratory diseases

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 03, 2012

Use in Commerce: Dec. 03, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Teva Respiratory LLC
Owner Address: Legal Affairs - Trademark Dept
425 Privet Road

Holaira001708

Horsham, PENNSYLVANIA 19044
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: FLORIDA

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: HERSCHEL PEREL
TEVA RESPIRATORY LLC
425 PRIVET RD
HORSHAM, PENNSYLVANIA 19044-1220
UNITED STATES

Phone: 215-293-6406

Fax: 215-293-6499

Correspondent e-mail: herschel.perel@tevapharm.com darlene.carter-peyton@tevapharm.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 29, 2013	REGISTERED-PRINCIPAL REGISTER	
Aug. 13, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 13, 2013	PUBLISHED FOR OPPOSITION	
Jul. 24, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 08, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jul. 08, 2013	ASSIGNED TO LIE	77312
Jun. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 14, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 14, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT -WRITTEN	76507
Jun. 12, 2013	ASSIGNED TO EXAMINER	76507
Mar. 12, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Mar. 09, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 07, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 29, 2013

Holaira001709

APPLICANT'S EXHIBIT 28

Generated on: This page was generated by TSDR on 2015-07-03 14:59:53 EDT

Mark: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL



US Serial Number: 85866144
US Registration Number: 4424933
Register: Principal
Mark Type: Trademark
Amended to Principal Register: Yes
Date Amended to Current Register: Jun. 14, 2013
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 29, 2013
Publication Date: Aug. 13, 2013

Mark Information

Mark Literal Elements: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of a red oval with white curved lines centered over the words "PROAIR HFA" in stylized letters in the color black, centered over the words "albuterol sulfate" in parenthesis in the color black, centered over the words "Inhalation Aerosol" in block letters in the color black.
Color Drawing: Yes
Color(s) Claimed: The color(s) black, white and red is/are claimed as a feature of the mark.
Disclaimer: "HFA (ALBUTEROL SULFATE) INHALATION AEROSOL"
Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

Related Properties Information

Claimed Ownership of US Registrations: 3166297

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Inhalers filled with albuterol sulfate for the treatment of respiratory diseases

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 03, 2012

Use in Commerce: Dec. 03, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Teva Respiratory LLC
Owner Address: Legal Affairs - Trademark Dept
425 Privet Road
Horsham, PENNSYLVANIA 19044
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: PENNSYLVANIA

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: TEVA RESPIRATORY LLC
TEVA RESPIRATORY LLC
425 PRIVET RD
HORSHAM, PENNSYLVANIA 19044-1220
UNITED STATES

Phone: 215-293-6406

Fax: 215-293-6499

Correspondent e-mail: herschel.perel@tevapharm.com darlene.carter-peyton@tevapharm.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 29, 2013	REGISTERED-PRINCIPAL REGISTER	
Aug. 13, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 13, 2013	PUBLISHED FOR OPPOSITION	
Jul. 24, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 08, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jul. 08, 2013	ASSIGNED TO LIE	77312
Jun. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 14, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 14, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT -WRITTEN	76507
Jun. 12, 2013	ASSIGNED TO EXAMINER	76507
Mar. 09, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Mar. 08, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 07, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 29, 2013

Holaira001711

APPLICANT'S EXHIBIT 29

Generated on: This page was generated by TSDR on 2015-07-03 15:00:23 EDT

Mark: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL THE DIFFERENCE IS IN THE DESIGN



US Serial Number: 85916308
US Registration Number: 4425711
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 29, 2013
Publication Date: Aug. 13, 2013

Application Filing Date: Apr. 26, 2013

Registration Date: Oct. 29, 2013

Mark Information

Mark Literal Elements: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL THE DIFFERENCE IS IN THE DESIGN

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of an oval in the color red with three curved bands in the color white, centered over the words "PROAIR HFA" in stylized letters in the color black, centered over the words "albuterol sulfate" in parenthesis in block letters in the color black followed by the words "Inhalation Aerosol" in block letters in the color black, centered over the words "The difference is in the design" in stylized letters, in the color red.

Color Drawing: Yes

Color(s) Claimed: The color(s) red, black and white is/are claimed as a feature of the mark.

Disclaimer: "HFA (ALBUTEROL SULFATE) INHALATION AEROSOL"

Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

Related Properties Information

Claimed Ownership of US 3166297
Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: providing information online concerning the treatment of respiratory diseases

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 03, 2012

Use in Commerce: Dec. 03, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Teva Respiratory LLC
Owner Address: Legal Affairs - Trademark Dept

Holaira001712

425 Privet Road
Horsham, PENNSYLVANIA 19044
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: PENNSYLVANIA

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: HERSCHEL PEREL
TEVA RESPIRATORY LLC
425 PRIVET RD
Legal Affairs - Trademark Dept
HORSHAM, PENNSYLVANIA 19044-1220
UNITED STATES

Phone: 215-293-6406

Fax: 215-293-6499

Correspondent e-mail: herschel.perel@tevapharm.com darlene.carter-peyton@tevapharm.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 29, 2013	REGISTERED-PRINCIPAL REGISTER	
Aug. 13, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 13, 2013	PUBLISHED FOR OPPOSITION	
Jul. 24, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 10, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jul. 08, 2013	ASSIGNED TO LIE	70633
Jun. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 14, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 14, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT -WRITTEN	76507
Jun. 12, 2013	ASSIGNED TO EXAMINER	76507
May 04, 2013	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
May 03, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 30, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 29, 2013

Holaira001713

APPLICANT'S EXHIBIT 30

Generated on: This page was generated by TSDR on 2015-07-03 15:02:04 EDT

Mark: PROAIR HFA (ALBUTEROL SULFATE INHALATION AEROSOL)



US Serial Number: 86443830
US Registration Number: 4720391
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 14, 2015
Publication Date: Jan. 27, 2015

Application Filing Date: Nov. 04, 2014

Registration Date: Apr. 14, 2015

Mark Information

Mark Literal Elements: PROAIR HFA (ALBUTEROL SULFATE INHALATION AEROSOL)

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a red oval with white curved lines centered over the words "PROAIR HFA" in stylized letters in the color black, centered over the words "albuterol sulfate" in parenthesis in the color black, centered over the words "Inhalation Aerosol" in block letters in the color black.

Color Drawing: Yes

Color(s) Claimed: The color(s) black, white and red is/are claimed as a feature of the mark.

Disclaimer: "HFA," "ALBUTEROL SULFATE" AND "INHALATION AEROSOL"

Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

Related Properties Information

Claimed Ownership of US Registrations: 3166297, 4424929 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Inhalers for therapeutic use sold empty

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 31, 2006

Use in Commerce: Jul. 31, 2006

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Teva Respiratory, LLC
Owner Address: 41 Moores Road

Holaira001714

Frazer, PENNSYLVANIA 19355
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: PENNSYLVANIA

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: HERSCHEL PEREL
TEVA PHARMACEUTICALS USA, INC.
425 PRIVET RD
HORSHAM, PENNSYLVANIA 19044-1220
UNITED STATES

Phone: 215-293-6406

Fax: 215-293-3697

Correspondent e-mail: herschel.perel@tevapharm.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 14, 2015	REGISTERED-PRINCIPAL REGISTER	
Jan. 27, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 27, 2015	PUBLISHED FOR OPPOSITION	
Jan. 07, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 19, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Dec. 19, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 2014	EXAMINER'S AMENDMENT ENTERED	70138
Dec. 16, 2014	ASSIGNED TO LIE	70138
Dec. 16, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 16, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 16, 2014	EXAMINERS AMENDMENT -WRITTEN	76725
Dec. 10, 2014	ASSIGNED TO EXAMINER	76725
Nov. 15, 2014	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Nov. 14, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 07, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 14, 2015

Holaira001715

APPLICANT'S EXHIBIT 31

Generated on: This page was generated by TSDR on 2015-07-03 15:08:16 EDT

Mark: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL



US Serial Number: 86443835
US Registration Number: 4720392
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 14, 2015
Publication Date: Jan. 27, 2015

Application Filing Date: Nov. 04, 2014

Registration Date: Apr. 14, 2015

Mark Information

Mark Literal Elements: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a black oval with three curved bands in the color white, centered over the words "PROAIR HFA" in stylized letters in the color black, centered over the words "ALBUTEROL SULFATE" in parenthesis in block letters in the color black, centered over the words "Inhalation Aerosol" in block letters in the color black.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "HFA," "ALBUTEROL SULFATE" AND "INHALATION AEROSOL"

Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

Related Properties Information

Claimed Ownership of US Registrations: 3166297, 4424929 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,* identify additional (new) wording in the goods/services.

For: Inhalers for therapeutic use sold empty

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 31, 2006

Use in Commerce: Jul. 31, 2006

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Teva Respiratory, LLC

Owner Address: 41 Moores Road
Frazer, PENNSYLVANIA 19355
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: PENNSYLVANIA

Holaira001716

Organized:

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent HERSCHEL PEREL
Name/Address: TEVA PHARMACEUTICALS USA, INC.
425 PRIVET RD
HORSHAM, PENNSYLVANIA 19044-1220
UNITED STATES

Phone: 215-293-6406

Fax: 215-293-3697

Correspondent e-mail: herschel.perel@tevapharm.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 14, 2015	REGISTERED-PRINCIPAL REGISTER	
Jan. 27, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 27, 2015	PUBLISHED FOR OPPOSITION	
Jan. 07, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 19, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Dec. 19, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 2014	EXAMINER'S AMENDMENT ENTERED	70138
Dec. 16, 2014	ASSIGNED TO LIE	70138
Dec. 16, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 16, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 16, 2014	EXAMINERS AMENDMENT -WRITTEN	76725
Dec. 10, 2014	ASSIGNED TO EXAMINER	76725
Nov. 15, 2014	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Nov. 14, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 07, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 14, 2015

Holaira001717

APPLICANT'S EXHIBIT 32

Generated on: This page was generated by TSDR on 2015-07-02 16:42:33 EDT

Mark: PULMONAIRE

US Serial Number: 72282803 Application Filing Date: Oct. 18, 1967
US Registration Number: 874778 Registration Date: Aug. 12, 1969
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Sep. 08, 2009

Mark Information

Mark Literal Elements: PULMONAIRE
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US 0738721
Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: SPIROMETERS FOR USE IN DIAGNOSING PULMONARY DISORDERS

International Class(es): 010

U.S Class(es): 044 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 11, 1964

Use in Commerce: Feb. 11, 1964

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: JONES MEDICAL INSTRUMENT COMPANY
Owner Address: 200 WINDSOR DRIVE
OAK BROOK, ILLINOIS 60521
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: ILLINOIS

Attorney/Correspondence Information

Holaira001602

Attorney of Record

Attorney Name: Jill Anderfuren
Attorney Primary Email Address: docket@marshallip.com

Docket Number: 30065/60001
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jill Anderfuren
Marshall, Gerstein & Borun LLP
233 South Wacker Drive
6300 Sears Tower
Chicago, ILLINOIS 60606-6357
UNITED STATES

Phone: 3124746300

Fax: 3124740448

Correspondent e-mail: docket@marshallip.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
May 19, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 08, 2009	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	70619
Sep. 08, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 17, 2009	ASSIGNED TO PARALEGAL	70619
Aug. 13, 2009	TEAS SECTION 8 & 9 RECEIVED	
Jun. 22, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 19, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 19, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 07, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 14, 2008	CASE FILE IN TIGRS	
Aug. 10, 2006	REVIEW OF CORRESPONDENCE COMPLETE	77315
Jul. 11, 2002	PAPER RECEIVED	
Aug. 12, 1989	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	
Mar. 31, 1989	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 12, 2009

TM Staff and Location Information**TM Staff Information - None****File Location**

Current Location: POST REGISTRATION

Date in Location: Sep. 08, 2009

Assignment Abstract Of Title Information**Summary**

Total Assignments: 10

Registrant: JONES, WILLIAM C.

Assignment 1 of 10

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [0294/0572](#)

Pages: 1

Date Recorded: Sep. 17, 1976

Supporting Documents: No Supporting Documents Available

Assignor

Name: [JONES, WILLIAM C.](#)

Execution Date: Sep. 10, 1976

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: JONES MEDICAL INSTRUMENT COMPANY

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Address: 200 WINDSOR DRIVE
OAK BROOK, ILLINOIS 60521

Correspondent

Correspondent Name: DAWSON, TILTON, FALLON & LUNG MUS

Correspondent Address: 209 S. LA SALLE STREET
209 S. LA SALLE STREET
CHICAGO, IL 60604

Domestic Representative - Not Found

Assignment 2 of 10

Conveyance: SECURITY INTEREST

Reel/Frame: 1044/0143

Pages: 9

Date Recorded: Oct. 12, 1993

Supporting Documents: No Supporting Documents Available

Assignor

Name: JONES MEDICAL INDUSTRIES, INC.

Execution Date: Jul. 07, 1993

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: MARK TWIAN BANK

Legal Entity Type: A MISSOURI BANKING CORPORATION

State or Country Where Organized: No Place Where Organized Found

Address: 9321 OLIVE BOULEVARD
ST. LOUIS, MO 63132-3220

Correspondent

Correspondent Name: KATHRYN J. GIDDINGS, ESQ.

Correspondent Address: THE STOLAR PARTNERSHIP
911 WASHINGTON AVENUE
ST. LOUIS, MO 63101

Domestic Representative - Not Found

Assignment 3 of 10

Conveyance: RELEASE

Reel/Frame: 1660/0196

Pages: 6

Date Recorded: Nov. 26, 1997

Supporting Documents: No Supporting Documents Available

Assignor

Name: JONES MEDICAL INDUSTRIES, INC.

Execution Date: Nov. 24, 1997

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: MERCANTILE BANK NATIONAL ASSOCIATION FKA MARK TWAIN BANK

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Address: TRAM 71-9D
9321 OLIVE BLVD.
ST. LOUIS, MISSOURI 63132

Correspondent

Correspondent Name: MERCANTILE BANK NATIONAL ASSOCIATION

Correspondent Address: JANET M. SCHAPER
9321 OLIVE BLVD.
TRAM 71-9D
ST. LOUIS, MO 63132-3220

Domestic Representative - Not Found

Assignment 4 of 10

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT ASSIGNOR AND ASSIGNEE'S NAME AN ASSIGNMENT WAS PREVIOUSLY RECORDED ON REEL 1660, FRAME 0196.

Reel/Frame: 1736/0904

Pages: 12

Date Recorded: May 22, 1998

Supporting Documents: [assignment-tm-1736-0904.pdf](#)

Assignor

Name: MERCANTILE BANK NAT'L ASSOC.

Execution Date: May 15, 1998

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

DBA, AKA, TA, Formerly: FORMERLY KNOWN AS MARK TWAIN BANK

Assignee

Name: JONES MEDICAL INDUSTRIES INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1945 CRAIG ROAD
ST. LOUIS, MISSOURI 63146

Correspondent

Correspondent Name: GREENSFELDER, HEMKER & GALE, P.C.

Correspondent Address: HARVEY L. YUSMAN/ED CHOD
10 SOUTH BROADWAY, SUITE 2000
ST. LOUIS, MISSOURI 63102

Domestic Representative - Not Found

Assignment 5 of 10

Conveyance: SECURITY AGREEMENT

Reel/Frame: 2592/0382

Pages: 58

Date Recorded: Oct. 02, 2002

Supporting Documents: [assignment-tm-2592-0382.pdf](#)

Assignor

Name: JONES PHARMA INCORPORATED

Execution Date: Apr. 23, 2002

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: CREDIT SUISSE FIRST BOSTON, AS COLLATERAL AGENT

Legal Entity Type: CREDIT SUISSE FIRST BOSTON, AS
COLLATERAL AGENT

State or Country Where Organized: No Place Where Organized Found

Address: 11 MADISON AVENUE
NEW YORK, NEW YORK 10010

Correspondent

Correspondent Name: FEDERAL RESEARCH CORPORATION

Correspondent Address: PENELOPE AGODOA
1301 15TH STREET NW
SUITE 920
WASHINGTON DC 20005

Domestic Representative - Not Found

Assignment 6 of 10

Conveyance: SECURITY AGREEMENT

Reel/Frame: 3911/0696

Pages: 11

Date Recorded: Dec. 30, 2008

Supporting Documents: [assignment-tm-3911-0696.pdf](#)

Assignor

Name: KING PHARMACEUTICALS RESEARCH AND
DEVELOPMENT, INC.

Execution Date: Dec. 29, 2008

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: CREDIT SUISSE, AS AGENT

Legal Entity Type: BANK

State or Country Where Organized: No Place Where Organized Found

Address: 11 MADISON AVENUE
NEW YORK, NEW YORK 10010

Correspondent

Correspondent Name: IP RESEARCH PLUS, INC.

Correspondent Address: 21 TADCASTER CIRCLE
ATTN: PENELOPE J.A. AGODOA
WALDORF, MD 20602

Domestic Representative - Not Found

Assignment 7 of 10

Conveyance: RELEASE OF SECURITY INTEREST
Reel/Frame: 4204/0021 Pages: 7
Date Recorded: May 11, 2010
Supporting Documents: assignment-tm-4204-0021.pdf

Assignor

Name: KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC. Execution Date: May 11, 2010
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: CREDIT SUISSE AG
Legal Entity Type: BANK State or Country Where Organized: SWITZERLAND
Address: 11 MADISON AVENUE
AS ADMINISTRATIVE AGENT
NEW YORK, NEW YORK 10010

Correspondent

Correspondent Name: ELSPETH CALLAHAN
Correspondent Address: 1100 G ST NW SUITE 420
NATIONAL CORPORATE RESEARCH
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 8 of 10

Conveyance: SECURITY AGREEMENT
Reel/Frame: 4205/0312 Pages: 9
Date Recorded: May 13, 2010
Supporting Documents: assignment-tm-4205-0312.pdf

Assignor

Name: KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC. Execution Date: May 11, 2010
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: CREDIT SUISSE AG
Legal Entity Type: BANK State or Country Where Organized: SWITZERLAND
Address: AS ADMINISTRATIVE AGENT
11 MADISON AVENUE
NEW YORK, NEW YORK 10010

Correspondent

Correspondent Name: ELSPETH CALLAHAN
Correspondent Address: NATIONAL CORPORATE RESEARCH
1100 G STREET, N.W. SUITE 420
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 9 of 10

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: 4465/0696 Pages: 7
Date Recorded: Feb. 02, 2011
Supporting Documents: assignment-tm-4465-0696.pdf

Assignor

Name: CREDIT SUISSE AG Execution Date: Jan. 31, 2011
Legal Entity Type: BANK State or Country Where Organized: SWITZERLAND

Assignee

Name: KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC.
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 4000 CENTRE GREEN WAY

CARY, NORTH CAROLINA 27513

Correspondent

Correspondent Name: KATHLEEN T. GALLAGHER-DUFF, ESQ.

Correspondent Address: 1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004

Domestic Representative - Not Found

Assignment 10 of 10

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4465/0703

Pages: 5

Date Recorded: Feb. 02, 2011

Supporting Documents: [assignment-tm-4465-0703.pdf](#)

Assignor

Name: CREDIT SUISSE AG AS SUCCESSOR TO
CREDIT SUISSE FIRST BOSTON

Execution Date: Jan. 31, 2011

Legal Entity Type: BANK

**State or Country Where
Organized:** SWITZERLAND

Assignee

Name: KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC. AS SUCCESSOR TO JONES PHARMA INCORPORATED

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** DELAWARE

Address: 4000 CENTRE GREEN WAY
CARY, NORTH CAROLINA 27513

Correspondent

Correspondent Name: KATHLEEN T. GALLAGHER-DUFF, ESQ.

Correspondent Address: 1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 33

Generated on: This page was generated by TSDR on 2015-07-02 16:36:35 EDT

Mark: QUATTRO AIR

QUATTRO AIR

US Serial Number: 85816797
US Registration Number: 4530535
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 13, 2014
Publication Date: Jul. 16, 2013
Application Filing Date: Jan. 07, 2013
Registration Date: May 13, 2014
Notice of Allowance Date: Sep. 10, 2013

Mark Information

Mark Literal Elements: QUATTRO AIR
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Disclaimer: "AIR"
Translation: The English translation of "QUATTRO" in the mark is "FOUR".

Related Properties Information

Claimed Ownership of US Registrations: 3318359, 3757659

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Respiratory masks for medical purposes and parts therefor; headgear for medical respiratory masks and parts therefor
International Class(es): 010 - Primary Class
U.S Class(es): 026, 039, 044
Class Status: ACTIVE
Basis: 1(a)
First Use: Jun. 03, 2013
Use in Commerce: Jun. 03, 2013

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ResMed Limited
Owner Address: 1 Elizabeth Macarthur Drive
Bella Vista, NSW 2153
AUSTRALIA
Legal Entity Type: CORPORATION
State or Country Where Organized: AUSTRALIA

Attorney/Correspondence Information

Attorney of Record

Holaira001608

Attorney Name: Gabrielle A. Holley

Docket Number: 1356.TM2649U

Attorney Primary Email westdocket@holleymenker.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: GABRIELLE A. HOLLEY
HOLLEY & MENKER, P.A.
PO BOX 96
SOLANA BEACH, CALIFORNIA 92075-0096
UNITED STATES

Phone: 858 353 9285

Fax: 858 876 1604

Correspondent e-mail: westdocket@holleymenker.com gholley@holleymenker.com gabrielleholley@gmail.com

Correspondent e-mail Yes
Authorized:

Domestic Representative

Domestic Representative Name: Gabrielle A. Holley

Phone: 858 353 9285

Fax: 858 876 1604

Domestic Representative e-mail: westdocket@holleymenker.com

Domestic Representative e-mail Yes
Authorized:

Prosecution History

Date	Description	Proceeding Number
May 13, 2014	REGISTERED-PRINCIPAL REGISTER	
Apr. 09, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 08, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Apr. 08, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 07, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 07, 2014	STATEMENT OF USE PROCESSING COMPLETE	61813
Feb. 28, 2014	USE AMENDMENT FILED	61813
Apr. 07, 2014	EXTENSION 1 GRANTED	61813
Mar. 10, 2014	EXTENSION 1 FILED	61813
Apr. 07, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Mar. 10, 2014	TEAS EXTENSION RECEIVED	
Feb. 28, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 10, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 16, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 16, 2013	PUBLISHED FOR OPPOSITION	
Jun. 26, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 13, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jun. 06, 2013	ASSIGNED TO LIE	77312
May 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 21, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 21, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 21, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2013	NON-FINAL ACTION WRITTEN	81092
Mar. 14, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2013	NON-FINAL ACTION WRITTEN	81092
Mar. 12, 2013	ASSIGNED TO EXAMINER	81092
Jan. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 10, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

Holaira001609

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 08, 2014

APPLICANT'S EXHIBIT 34

Generated on: This page was generated by TSDR on 2015-07-03 15:07:52 EDT

Mark: SINGULAIR

US Serial Number: 74589438 Application Filing Date: Oct. 24, 1994
US Registration Number: 2048127 Registration Date: Mar. 25, 1997
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jul. 31, 2006
Publication Date: Sep. 12, 1995 Notice of Allowance Date: Dec. 05, 1995

Mark Information

Mark Literal Elements: SINGULAIR
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ({...}) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: pharmaceutical preparations for the treatment of respiratory disorders

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: May 15, 1996

Use in Commerce: May 15, 1996

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: MERCK SHARP & DOHME CORP.
Owner Address: ONE MERCK DRIVE
WHITEHOUSE STATION, NEW JERSEY 088890100
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: NEW JERSEY

Attorney/Correspondence Information

Attorney Name: Christopher Bolinger
Attorney Primary Email: TrademarkUS@merck.com Attorney of Record
Attorney Email: Yes

Holaira001636

Address: _____

Authorized: _____

Correspondent

Correspondent Name/Address: Christopher Bolinger
Merck
126 E. Lincoln Avenue
Rahway, NEW JERSEY 07065
UNITED STATES

Phone: 732-594-0922

Fax: 732-594-0922

Correspondent e-mail: TrademarkUS@merck.com christopher.bolinger@merck.com
lynne.brumfield@merck.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 15, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 13, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 30, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 06, 2010	REVIEW OF CORRESPONDENCE COMPLETE	76293
Apr. 29, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Jan. 11, 2010	PAPER RECEIVED	
Dec. 09, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 02, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 14, 2006	CASE FILE IN TIGRS	
Jul. 31, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	61619
Jul. 31, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 29, 2006	ASSIGNED TO PARALEGAL	61619
Apr. 07, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 07, 2006	TEAS SECTION 8 & 9 RECEIVED	
Sep. 05, 2002	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 26, 2002	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 26, 2002	PAPER RECEIVED	
Mar. 25, 1997	REGISTERED-PRINCIPAL REGISTER	
Jan. 18, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 17, 1997	ASSIGNED TO EXAMINER	67443
Jan. 14, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Jan. 14, 1997	EXTENSION 2 GRANTED	
Aug. 13, 1996	USE AMENDMENT FILED	
Aug. 13, 1996	EXTENSION 2 FILED	
Aug. 05, 1996	EXTENSION 1 GRANTED	
May 09, 1996	EXTENSION 1 FILED	
Dec. 05, 1995	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 12, 1995	PUBLISHED FOR OPPOSITION	
Aug. 11, 1995	NOTICE OF PUBLICATION	
Mar. 20, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 1995	ASSIGNED TO EXAMINER	67443

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Holaira001637

Renewal Date: Mar. 25, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Dec. 14, 2006

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: MERCK & CO., Inc.

Assignment 1 of 3

Conveyance: CHANGE OF NAME EFFECTIVE NOVEMBER 3, 2009

Reel/Frame: 4102/0212

Pages: 14

Date Recorded: Nov. 24, 2009

Supporting Documents: assignment-tm-4102-0212.pdf

Assignor

Name: MERCK & CO., INC.

Execution Date: Nov. 02, 2009

Legal Entity Type: CORPORATION

State or Country Where
Organized: NEW JERSEY

Assignee

Name: MERCK SHARP & DOHME CORP.

Legal Entity Type: CORPORATION

State or Country Where
Organized: NEW JERSEY

Address: ONE MERCK DRIVE
WHITEHOUSE STATION, NEW JERSEY 08889-0100

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: KING & SPALDING LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: MERGER EFFECTIVE 05/01/2012

Reel/Frame: 4785/0051

Pages: 10

Date Recorded: May 22, 2012

Supporting Documents: assignment-tm-4785-0051.pdf

Assignor

Name: MERCK SHARP & DOHME CORP.

Execution Date: Apr. 26, 2012

Legal Entity Type: CORPORATION

State or Country Where
Organized: NEW JERSEY

Assignee

Name: SCHERING CORPORATION

Legal Entity Type: CORPORATION

State or Country Where
Organized: NEW JERSEY

Address: 2000 GALLOPING HILL ROAD
KENILWORTH, NEW JERSEY 07033

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: DICKSTEIN SHAPIRO LLP
1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: CHANGE OF NAME

Reel/Frame: 4793/0178

Pages: 12

Date Recorded: Jun. 04, 2012

Supporting Documents: assignment-tm-4793-0178.pdf

Assignor

Name: SCHERING CORPORATION

Execution Date: May 02, 2012

Holaira001638

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Assignee

Name: MERCK SHARP & DOHME CORP.

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Address: ONE MERCK DRIVE
WHITEHOUSE STATION, NEW JERSEY 08889-0100

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: DICKSTEIN SHAPIRO LLP
1633 BROADWAY
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 10

Type of Proceeding: Opposition

Proceeding Number: 91216964

Filing Date: Jun 19, 2014

Status: Terminated

Status Date: Oct 01, 2014

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: RaGhala Corporation

Correspondent Address: MICHAEL G ATKINS
ATKINS INTELLECTUAL PROPERTY PLLC
93 S JACKSON ST #18483
SEATTLE WA , 98104-2818
UNITED STATES

Correspondent e-mail: mike@atkinsip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULARITY - N - DESIGN	Abandoned - After Inter-Partes Decision	<u>86189368</u>	

Plaintiff(s)

Name: Merck Sharp & Dohme Corp.

Correspondent Address: ANITA B POLOTT
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW, ATTN TMSU
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: apolott@morganlewis.com , zkocharyan@morganlewis.com , chowell@morganlewis.com , trademarks@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 19, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 19, 2014	Jul 29, 2014
3	PENDING, INSTITUTED	Jun 19, 2014	
4	NOTICE OF DEFAULT	Aug 19, 2014	
5	BD DECISION: SUSTAINED	Oct 01, 2014	
6	TERMINATED	Oct 01, 2014	

Type of Proceeding: Cancellation

Proceeding Number: 92057744

Filing Date: Aug 22, 2013

Status: Terminated

Status Date: Feb 10, 2014

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Holaira001639

Name: Prima-Derm SL

Correspondent Address: PRIMA-DERM SL
CÓRCEGA 301-304, PRINCIPAL 1A, E-08008
BARCELONA SPAIN

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULADERM	Cancellation Terminated - See TTAB Records	<u>79062494</u>	<u>3705577</u>

Plaintiff(s)

Name: Merck Sharp & Dohme Corp.

Correspondent Address: JORDANA S RUBEL
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVE NW , ATTN TMSU
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: apolott@morganlewis.com , jrubel@morganlewis.com , chowell@morganlewis.com , trademarks@morganlewis.com , zkocharyan@morganlewis.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 22, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2013	Oct 05, 2013
3	PENDING, INSTITUTED	Aug 26, 2013	
4	NOTICE OF DEFAULT	Oct 22, 2013	
5	D UNDELIVERABLE MAIL	Oct 31, 2013	
6	SUSPENDED	Nov 13, 2013	
7	SERVICE BY PUBLICATION	Dec 10, 2013	
8	BD DECISION: GRANTED	Jan 30, 2014	
9	COMMR ORDER CANCELLING REG	Feb 04, 2014	
10	TERMINATED	Feb 10, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91209674

Filing Date: Mar 06, 2013

Status: Terminated

Status Date: Jul 03, 2013

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Prima-Derm, S.L.

Correspondent Address: KEITH SWEDO
TAFT STETTINIUS & HOLLISTER LLP
ONE INDIANA SQUARE, SUITE 3500
INDIANAPOLIS IN , 46204
UNITED STATES

Correspondent e-mail: kstrademarks@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAHEALTH	IR CANCELLED; US APPLICATION ABANDONED	<u>79109448</u>	

Plaintiff(s)

Name: Merck Sharp & Dohme Corp.

Correspondent Address: ANITA B POLOTT
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC , 20004
UNITED STATES

Correspondent e-mail: apolott@morganlewis.com , jrubel@morganlewis.com , chowell@morganlewis.com , trademarks@morganlewis.com

Associated marks

Registration

Holaira001640

Mark	Application Status	Serial Number	Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 06, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 11, 2013	Apr 20, 2013
3	PENDING, INSTITUTED	Mar 11, 2013	
4	NOTICE OF DEFAULT	May 14, 2013	
5	BD DECISION: SUSTAINED	Jul 03, 2013	
6	TERMINATED	Jul 03, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91183091

Filing Date: Mar 20, 2008

Status: Terminated

Status Date: Nov 10, 2009

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Controlled Management

Correspondent Address: Aaron C. Gundzik
Cotton Gundzik LLP
624 South Grand Avenue, 22nd Floor
Los Angeles CA , 90017
UNITED STATES

Correspondent e-mail: agundzik@cglip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINUAIR	Section 8 - Accepted	<u>77168515</u>	<u>3724157</u>
Plaintiff(s)			

Name: Merck & Co., Inc.

Correspondent Address: Debra A. Shelinsky Greene
Merck & Co., Inc.
One Merck Drive, P.O. Box 100
Whitehouse Station NJ , 08889-0100
UNITED STATES

Correspondent e-mail: debra_greene@merck.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 20, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 20, 2008	Apr 29, 2008
3	PENDING, INSTITUTED	Mar 20, 2008	
4	ANSWER	May 01, 2008	
5	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	May 01, 2008	
6	BD'S SERVICE OF ANSWER	May 02, 2008	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Oct 08, 2009	Nov 07, 2009
8	WITHDRAWAL OF OPPOSITION	Nov 10, 2009	
9	BD'S DECISION: DISMISSED W/O PREJUDICE	Nov 10, 2009	
10	TERMINATED	Nov 10, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91172023

Filing Date: Jul 24, 2006

Status: Terminated

Status Date: Apr 18, 2007

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Cabot Safety Intermediate Corporation

Correspondent Address: GEORGE A. PELLETIER, JR.
CANTOR COLBURN LLP
55 GRIFFIN RD S
BLOOMFIELD CT , 06002-1353
UNITED STATES

Correspondent e-mail: gpelletier@cantorcolburn.com, tm@cantorcolburn.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAR	Cancelled - Section 8 Plaintiff(s)	<u>78667462</u>	<u>3399567</u>

Name: MERCK & CO., Inc.

Correspondent Address: DEBRA A SHELINSKY GREENE
MERCK & CO., INC.
ONE MERCK DRIVE, P.O. BOX 100
WHITEHOUSE STATION NJ , 08889-0100
UNITED STATES

Correspondent e-mail: debra_greene@merck.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAR	Renewed	<u>74589438</u>	<u>2048127</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 24, 2006	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 26, 2006	Sep 04, 2006
3	PENDING, INSTITUTED	Jul 26, 2006	
4	ANSWER	Sep 05, 2006	
5	STIPULATION FOR AN EXTENSION OF TIME	Feb 08, 2007	
6	EXTENSION OF TIME GRANTED	Feb 08, 2007	
7	MOTION TO AMEND APPLICATION	Apr 09, 2007	
8	WITHDRAWAL OF OPPOSITION	Apr 13, 2007	
9	BOARD'S DECISION: DISMISSED	Apr 18, 2007	
10	TERMINATED	Apr 18, 2007	

Type of Proceeding: Extension of Time

Proceeding Number: 78667462

Filing Date: Apr 27, 2006

Status: Terminated

Status Date: Aug 02, 2006

Interlocutory Attorney:

Defendant

Name: Cabot Safety Intermediate Corporation

Correspondent Address: GEORGE A. PELLETIER, JR.
CANTOR COLBURN LLP
55 GRIFFIN RD S
BLOOMFIELD CT , 06002-1353
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAR	Cancelled - Section 8 Potential Opposer(s)	<u>78667462</u>	<u>3399567</u>

Name: Merck & Co., Inc.

Correspondent Address: Debra A. Shelinsky Greene
Merck & Co., Inc.
One Merck Drive, P.O. Box 100
Whitehouse Station NJ , 08889-0100
UNITED STATES

Correspondent e-mail: debra_greene@merck.com

Name: MERCK & CO., Inc.

Correspondent Address: DEBRA A SHELINSKY GREENE

MERCK & CO., INC.
ONE MERCK DRIVE, P.O. BOX 100
WHITEHOUSE STATION NJ , 08889-0100
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 27, 2006	
2	EXTENSION OF TIME GRANTED	Apr 27, 2006	

Type of Proceeding: Opposition

Proceeding Number: 91122039

Filing Date: Jan 25, 2001

Status: Terminated

Status Date: Mar 14, 2002

Interlocutory Attorney: JYLL S TAYLOR

Defendant

Name: SCHERING CORPORATION

Correspondent Address: JOEL WIENER
SCHERING CORP.
2000 GALLOPING HILL
KENILWORTH NJ , 07033
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
CLARALAIR	Abandoned - After Inter-Partes Decision	<u>75657408</u>	

Plaintiff(s)

Name: MERCK & CO., INC.

Correspondent Address: KEVIN M. DUGAN
MERCK & CO., INC.
ONE MERCK DRIVE
WHITEHOUSE STATION NJ , 08889-0100
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 25, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 20, 2001	Apr 01, 2001
3	PENDING, INSTITUTED	Feb 20, 2001	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 27, 2001	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 30, 2001	
6	SUSPENDED	Jul 11, 2001	
7	ANSWER DUE 3/21/02; TRIAL DATES RESET	Feb 19, 2002	
8	STIPULATION TO ABANDNOMENT SERIAL NO. 75/657,408 & OPPOSITION W/OUT PREJUDICE	Feb 27, 2002	
9	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 14, 2002	
10	TERMINATED	Mar 14, 2002	

Type of Proceeding: Opposition

Proceeding Number: 91121744

Filing Date: Jan 22, 2001

Status: Terminated

Status Date: Mar 19, 2002

Interlocutory Attorney: FRANCES S WOLFSON

Defendant

Name: SCHERING CORPORATION

Correspondent Address: JOEL WIENER
SCHERING CORPORATION
2000 GALLOPING HILL ROAD

KENILWORTH NJ , 07033
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
CLARISING	Abandoned - No Statement Of Use Filed Plaintiff(s)	<u>75879340</u>	

Name: MERCK & CO., INC.

Correspondent Address: KEVIN M. DUGAN
MERCK & CO., INC.
ONE MERCK DRIVE
WHITEHOUSE STATION NJ , 08889
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 22, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 05, 2001	Mar 17, 2001
3	PENDING, INSTITUTED	Feb 05, 2001	
4	DEF'S REQ. FOR EXTENSION OF TIME WITH CO NSENT	Mar 13, 2001	
5	PL'S SUBSTITUTION OF ATTORNEY	Apr 09, 2001	
6	DEF'S REQ. FOR EXT OF TIME TO ANSWER	May 14, 2001	
7	SUSPENDED	Jun 26, 2001	
8	DEF'S REQ. EXT OF TIME WITH CONSENT	Jun 19, 2001	
9	STIP ABANDON AND W/D OF OP	Feb 27, 2002	
10	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 19, 2002	
11	TERMINATED	Mar 19, 2002	

Type of Proceeding: Opposition

Proceeding Number: 91115914

Filing Date: Oct 29, 1999

Status: Terminated

Status Date: Feb 09, 2001

Interlocutory Attorney: PETER W CATALDO

Defendant

Name: ASTRA AKTIEBOLAG

Correspondent Address: LLOYD PARODNECK
TRADEMARK & PATENT COUNSELORS
OF AMERICA, P.C. 915 BROADWAY
NEW YORK NY , 10010
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
DUPLIXAIR	Abandoned - After Inter-Partes Decision Plaintiff(s)	<u>75564395</u>	

Name: MERCK & CO., INC.

Correspondent Address: RONALD GOULD
MATHEWS, COLLINS, SHEPHERD & GOULD
100 THANET CIRCLE, SUITE 306
PRINCETON NJ , 08540
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

Prosecution History

Entry Number	History Text	Date	Due Date
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Holaira001644

1	FILED AND FEE	Oct 29, 1999	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Nov 15, 1999	Dec 25, 1999
3	PENDING, INSTITUTED	Nov 15, 1999	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 16, 1999	
5	PL'S MOT TO CONSOLIDATE W/116,079	Dec 18, 1999	
6	ANSWER	Jan 24, 2000	
7	CONSOLIDATION GRANTED; TRIAL DATES RESET	Mar 23, 2000	
8	P'S REG. FOR SUSPENSION OF PROC W/CONS.	May 15, 2000	
9	SUSPENDED	Jun 01, 2000	
10	WITHDRAWAL OF APPLICATION	Dec 21, 2000	
11	BOARD'S DECISION: SUSTAINED	Feb 09, 2001	
12	TERMINATED	Feb 09, 2001	

Type of Proceeding: Opposition

Proceeding Number: 91116079

Filing Date: Oct 13, 1999

Status: Terminated

Status Date: Feb 09, 2001

Interlocutory Attorney: PETER W CATALDO

Defendant

Name: ASTRA AKTIEBOLAG

Correspondent Address: MARK I. PEROFF
TRADEMARK & PATENT
COUNSELORS OF AMERICA 915 BROADWAY
NEW YORK NY , 10010
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
DUPLITAIR	Abandoned - After Inter-Partes Decision	<u>75513538</u>	

Plaintiff(s)

Name: MERCK & CO., INC.

Correspondent Address: RONALD GOULD
MATHEWS, COLLINS, SHEPHERD & GOULD
100 THANET CIRCLE, SUITE 306
PRINCETON NJ , 08540
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 13, 1999	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Dec 03, 1999	Jan 12, 2000
3	PENDING, INSTITUTED	Dec 03, 1999	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 10, 2000	
5	ANSWER	Jan 24, 2000	
6	CONSOLIDATION GRANTED; T D REMAIN AS SET	Mar 23, 2000	
7	WITHDRAWAL APPLICATION	Dec 21, 2000	
8	BOARD'S DECISION: SUSTAINED	Feb 09, 2001	
9	TERMINATED	Feb 09, 2001	

APPLICANT'S EXHIBIT 35

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Mark: SYLVAIR

SYLVAIR

US Serial Number: 85159030
US Registration Number: 4069614
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Dec. 13, 2011
Publication Date: Sep. 27, 2011

Application Filing Date: Oct. 22, 2010

Registration Date: Dec. 13, 2011

Mark Information

Mark Literal Elements: SYLVAIR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 2545990

Foreign Application Filing Date: Apr. 22, 2010

Foreign Registration Number: 2545990

Foreign Registration Date: Oct. 01, 2010

Foreign Application/Registration Country: UNITED KINGDOM

Foreign Expiration Date: Apr. 22, 2020

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *, * identify additional (new) wording in the goods/services.

For: Inhalers filled with pharmaceutical preparations for prevention, treatment, and/or alleviation of respiratory diseases and disorders

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Glaxo Group Limited

Owner Address: 980 Great West Road
Brentford, Middlesex TW89GS
UNITED KINGDOM

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Attorney/Correspondence Information

Holaira001614

Attorney of Record

Attorney Name: Christopher M. Hanes
Attorney Primary Email Address: trademarks@gsk.com

Docket Number: App / SYLVAI
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: CHRISTOPHER M. HANES
GlaxoSmithKline
Five Moore Drive
Legal Global Trademarks, Mailstop: 5.5A
Research Triangle Park, NORTH CAROLINA 27709-0183
UNITED STATES

Phone: 919.483.2723

Fax: 919.315.3023

Correspondent e-mail: trademarks@gsk.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Christopher M. Hanes
Fax: 704-625-9190

Phone: 919-483-2723

Domestic Representative e-mail: trademarks@gsk.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jun. 23, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 25, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 25, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 13, 2011	REGISTERED-PRINCIPAL REGISTER	
Sep. 27, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 27, 2011	PUBLISHED FOR OPPOSITION	
Aug. 25, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Aug. 25, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 12, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
Aug. 12, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
Aug. 04, 2011	ASSIGNED TO LIE	74221
Jul. 26, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 04, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2011	NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2011	NON-FINAL ACTION WRITTEN	73708
Feb. 02, 2011	ASSIGNED TO EXAMINER	73708
Oct. 27, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 26, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information - None****File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 13, 2011

APPLICANT'S EXHIBIT 36

Generated on: This page was generated by TSDR on 2015-07-02 16:36:02 EDT

Mark: TUDORZA PRESSAIR

TUDORZA PRESSAIR

US Serial Number: 85853924
US Registration Number: 4490481
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Mar. 04, 2014
Publication Date: Jul. 16, 2013

Application Filing Date: Feb. 19, 2013

Registration Date: Mar. 04, 2014

Mark Information

Mark Literal Elements: TUDORZA PRESSAIR
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3623195, 4028717, 4090022 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for the treatment of respiratory system diseases *, excluding preparations containing medical gases * [and disorders]

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2012

Use in Commerce: Nov. 30, 2012

For: [Inhalers for medical purposes] * Inhalers for use in the administration of pharmaceutical preparations, excluding inhalers that use or dispense gases *

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2012

Use in Commerce: Nov. 30, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Almirall, S.A.
Owner Address: Ronda del General Mitre, 151
08022 Barcelona
SPAIN

Holaira001616

Legal Entity Type: CORPORATION

State or Country Where Organized: SPAIN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Upton Douglass
Attorney Primary Email Address: sdouglass@frosszelnick.com

Docket Number: LABA 1301488
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN AND ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK, NEW YORK 10017-1822
UNITED STATES

Phone: 212-813-5900
Correspondent e-mail: sdouglass@frosszelnick.com

Fax: 212-813-5901
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Susan Upton Douglass
Fax: 212-813-5901

Phone: 212-813-5900

Domestic Representative e-mail: sdouglass@frosszelnick.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jul. 01, 2014	AMENDMENT UNDER SECTION 7 - ISSUED	76873
Jun. 30, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Jun. 24, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Mar. 04, 2014	REGISTERED-PRINCIPAL REGISTER	
Jan. 28, 2014	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Aug. 09, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 16, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 16, 2013	PUBLISHED FOR OPPOSITION	
Jun. 26, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 10, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 03, 2013	ASSIGNED TO EXAMINER	76071
Feb. 26, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 22, 2013	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Change in Registration: Yes

Amendment to a Registration/Renewal Certificate: In the statement, line 5, after "DISEASES", "AND DISORDERS" is deleted, and EXCLUDING PREPARATIONS CONTAINING MEDICAL GASES is inserted. In the statement, line 7, "INHALERS FOR MEDICAL PURPOSES" is deleted, and INHALERS FOR USE IN THE ADMINISTRATION OF PHARMACEUTICAL PREPARATIONS, EXCLUDING INHALERS THAT USE OR DISPENSE GASES is inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jul. 01, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: [85853924](#)

Filing Date: Aug 09, 2013

Holaira001617

Status: Terminated

Status Date: Jan 28, 2014

Interlocutory Attorney:

Defendant

Name: Almirall, S.A.

Correspondent Address: SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN AND ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK NY , 10017-1822
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TUDORZA PRESSAIR	Registered	<u>85853924</u>	<u>4490481</u>

Potential Opposer(s)

Name: Praxair Technology, Inc.

Correspondent Address: Andrew R.W. Hughes
Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, LLP
200 South Wacker Drive Suite 2900
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: arh@pattishall.com , jsj@pattishall.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 09, 2013	
2	EXTENSION OF TIME GRANTED	Aug 09, 2013	
3	INCOMING - EXT TIME TO OPPOSE FILED	Sep 03, 2013	
4	EXTENSION OF TIME GRANTED	Sep 03, 2013	
5	INCOMING - EXT TIME TO OPPOSE FILED	Nov 05, 2013	
6	EXTENSION OF TIME GRANTED	Nov 05, 2013	

APPLICANT'S EXHIBIT 37

Generated on: This page was generated by TSDR on 2015-07-03 14:51:10 EDT

Mark: VENTILAIR

US Serial Number: 73665774 Application Filing Date: Jun. 10, 1987
US Registration Number: 1566967 Registration Date: Nov. 21, 1989
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Mar. 28, 2009
Publication Date: Aug. 29, 1989

Mark Information

Mark Literal Elements: VENTILAIR
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: MEDICAL AIR COMPRESSOR FOR RESPIRATORY THERAPY

International Class(es): 010 - Primary Class

U.S Class(es): 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 20, 1986

Use in Commerce: Oct. 20, 1986

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HAMILTON MEDICAL, INC.
Owner Address: P.O. BOX 30008
RENO, NEVADA 89520
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: NEVADA

Attorney/Correspondence Information

Attorney of Record
Attorney Name: William M. Merone Docket Number: 27677-2
Attorney Primary Email: tmdocketdc@kenyon.com Attorney Email: Yes

Holaira001626

Address: _____

Authorized: _____

Correspondent

Correspondent Name/Address: William M. Merone
KENYON & KENYON LLP
1500 K ST NW
Suite 700
WASHINGTON, DISTRICT OF COLUMBIA 20005-1257
UNITED STATES

Phone: 202.220.4200

Fax: 202.220.4201

Correspondent e-mail: tmdocketdc@kenyon.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 28, 2009	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	74886
Mar. 28, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 02, 2009	ASSIGNED TO PARALEGAL	74886
Dec. 03, 2008	CASE FILE IN TIGRS	
Dec. 01, 2008	TEAS SECTION 8 & 9 RECEIVED	
Jun. 16, 2000	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jun. 16, 2000	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 12, 1999	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 10, 1996	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Nov. 21, 1995	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 21, 1989	REGISTERED-PRINCIPAL REGISTER	
Aug. 29, 1989	PUBLISHED FOR OPPOSITION	
Jul. 29, 1989	NOTICE OF PUBLICATION	
Jul. 29, 1989	NOTICE OF PUBLICATION	
Jul. 28, 1989	NOTICE OF PUBLICATION	
Jun. 21, 1989	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 21, 1989	ALLOWANCE/COUNT WITHDRAWN	
Jun. 21, 1989	ALLOWANCE/COUNT WITHDRAWN	
Jun. 21, 1989	ALLOWANCE/COUNT WITHDRAWN	
Jun. 21, 1989	ALLOWANCE/COUNT WITHDRAWN	
Jun. 21, 1989	ALLOWANCE/COUNT WITHDRAWN	59000

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Filed: Yes

Renewal Date: Nov. 21, 2009

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Mar. 28, 2009

Holaira001627

APPLICANT'S EXHIBIT 38

Generated on: This page was generated by TSDR on 2015-07-03 14:57:25 EDT

Mark: VITALAIRE



US Serial Number: 79078866
US Registration Number: 3882720
Register: Principal
Mark Type: Trademark, Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Nov. 30, 2010
Publication Date: Sep. 14, 2010

Application Filing Date: Oct. 27, 2009

Registration Date: Nov. 30, 2010

Mark Information

Mark Literal Elements: VITALAIRE
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the word "VITALAIRE" in blue with the dots in the "I" in orange. There is a stick figure leaping above the wording in orange and a curved line underneath the wording in orange.
Color Drawing: Yes
Color(s) Claimed: The color(s) blue and orange is/are claimed as a feature of the mark.
Design Search Code(s): 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Related Properties Information

International Registration Number: 1028696
International Registration Date: Oct. 27, 2009

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,* identify additional (new) wording in the goods/services.

For: Medical apparatus for treating chronic pathologies, medical apparatus for airway management, medical apparatus for oxygen therapy, for airway ventilation, for diagnosis and treatment of sleep disorders, medical apparatus for oxygen concentration for administering oxygen for medical purposes

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 66(a)

For: Health services and home care services for providing oxygen therapy, aerosol therapy, treatment of respiratory failure, ventilation therapy, treatment of sleep disorders and the treatment of other chronic pathologies; medical assistance services related to medical care and coordinating follow-up medical care; rental of medical apparatus

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Holaira001699

Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: L'AIR LIQUIDE, SOCIÉTÉ ANONYME POUR L'ÉTUDE ET L'EXPLOITATION DES PROCÉDÉS GEORGES CLAUDE

Owner Address: 75 Quai d'Orsay
F-75007 PARIS
FRANCE

Legal Entity Type: Société Anonyme **State or Country Where Organized:** FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donald R. Naylor, Jr. **Docket Number:** TMA00545

Attorney Primary Email Address: donald.naylor@airliquide.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Donald R. Naylor, Jr.
Air Liquide USA LLC
2700 Post Oak Boulevard, Suite 325
Houston, TEXAS 77056
UNITED STATES

Phone: 713-624-8149

Correspondent e-mail: donald.naylor@airliquide.com neva.dare-sc@airliquide.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 02, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 02, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 15, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Mar. 30, 2011	FINAL DISPOSITION NOTICE SENT TO IB	
Mar. 30, 2011	FINAL DISPOSITION PROCESSED	67445
Feb. 28, 2011	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Nov. 30, 2010	REGISTERED-PRINCIPAL REGISTER	
Sep. 14, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 14, 2010	PUBLISHED FOR OPPOSITION	
Aug. 10, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Aug. 10, 2010	ASSIGNED TO LIE	74221
Jul. 24, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 19, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 19, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 19, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 19, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 19, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 03, 2010	REFUSAL PROCESSED BY IB	
Mar. 02, 2010	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Mar. 02, 2010	REFUSAL PROCESSED BY MPU	67445
Mar. 02, 2010	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Mar. 02, 2010	APPLICATION FILING RECEIPT MAILED	
Mar. 01, 2010	NON-FINAL ACTION WRITTEN	82088

Feb. 26, 2010 ASSIGNED TO EXAMINER
Feb. 26, 2010 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Feb. 25, 2010 SN ASSIGNED FOR SECT 66A APPL FROM IB

82088

International Registration Information (Section 66a)

International Registration Number:	1028696	International Registration Date:	Oct. 27, 2009
Priority Claimed Flag:	Yes	Date of Section 67 Priority Claim:	Apr. 29, 2009
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Feb. 25, 2010
Notification of Designation Date:	Feb. 25, 2010	Date of Automatic Protection:	Aug. 25, 2011
International Registration Renewal Date:	Oct. 27, 2019		
First Refusal Flag:	Yes		

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 30, 2010

Holaira001701

APPLICANT'S EXHIBIT 39

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Mark: VITALAIRE

VITALAIRE

US Serial Number: 85797696
US Registration Number: 4654916
Register: Principal
Mark Type: Trademark, Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Dec. 16, 2014
Publication Date: Sep. 30, 2014
Application Filing Date: Dec. 07, 2012
Registration Date: Dec. 16, 2014

Mark Information

Mark Literal Elements: VITALAIRE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1647735, 3882720

Foreign Information

Foreign Registration Number: 1375588
Foreign Registration Date: Aug. 11, 1986
Foreign Application/Registration Country: FRANCE
Foreign Expiration Date: Aug. 11, 2016

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Medical apparatus for oxygen concentration for medical purposes; medical apparatus, namely, pumps, for infusion therapy

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 44(e)

For: Home health care services for providing oxygen therapy, aerosol therapy, respiratory disease treatment, ventilation therapy, sleep disorder therapy and the treatment of other chronic pathologies; medical assistance services related to medical care

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: Yes
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Holaira001705

Owner Name: L'AIR LIQUIDE SOCIETE ANONYME POUR L'ETUDE ET L'EXPLOITATION DES PROCEDES GEORGES CLAUDE

Owner Address: 75 QUAI D'ORSAY
PARIS 75007
FRANCE

Legal Entity Type: CORPORATION

State or Country Where Organized: FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donald R. Naylor, Jr.

Attorney Primary Email Address: donald.naylor@airliquide.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: DONALD R. NAYLOR, JR.
AIR LIQUIDE USA LLC
2700 POST OAK BLVD STE 325
HOUSTON, TEXAS 77056-5748
UNITED STATES

Phone: 713 624 8149

Fax: 713 624 8950

Correspondent e-mail: donald.naylor@airliquide.com alma.tristan@airliquide.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 04, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 16, 2014	REGISTERED-PRINCIPAL REGISTER	
Sep. 30, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 30, 2014	PUBLISHED FOR OPPOSITION	
Sep. 10, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 05, 2014	CASE RETURNED TO EXAMINATION	70565
Jul. 28, 2014	NOTICE OF ALLOWANCE CANCELLED	70565
Aug. 04, 2014	PETITION TO DIRECTOR - CHANGE BASIS - GRANTED	66600
Jul. 31, 2014	TEAS RESPONSE TO PETITION TO DIRECTOR INQUIRY	
Jul. 06, 2014	PETITION INQUIRY LETTER MAILED	
Jul. 03, 2014	ASSIGNED TO PETITION STAFF	66600
Jun. 30, 2014	TEAS PETITION TO AMEND BASIS RECEIVED	1111
Jan. 28, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 03, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 03, 2013	PUBLISHED FOR OPPOSITION	
Nov. 13, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 31, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Oct. 31, 2013	ASSIGNED TO LIE	66121
Oct. 16, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 16, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 16, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 16, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 16, 2013	EXAMINERS AMENDMENT -WRITTEN	85335
Sep. 26, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 25, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 25, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 25, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 25, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 25, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

Mar. 25, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 25, 2013	NON-FINAL ACTION WRITTEN	85335
Mar. 25, 2013	ASSIGNED TO EXAMINER	85335
Dec. 20, 2012	NOTICE OF PSEUDO MARK MAILED	
Dec. 19, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 11, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 16, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: L'AIR LIQUIDE, SOCIÉTÉ ANONYME À
DIRECTOIRE ET CONSEIL DE SURVEILLANCE
POUR L'ETUDE ET L'EXPLOITATION DES
PROCÉDÉS GEORGES CLAUDE

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: 5465/0726

Pages: 9

Date Recorded: Feb. 25, 2015

Supporting Documents: [assignment-tm-5465-0726.pdf](#)

Assignor

Name: L'AIR LIQUIDE SOCIETE ANONYME A
DIRECTOIRE ET CONSEIL DU SURVEILLANCE
POUR L'ETUDE ET L'EXPLOITATION DES
PROCEDES GEORGES CLAUDE

Execution Date: May 10, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: FRANCE

Assignee

Name: L'AIR LIQUIDE SOCIETE ANONYME POUR L'ETUDE ET L'EXPLOITATION DES PROCEDES GEORGES CLAUDE

Legal Entity Type: CORPORATION

State or Country Where Organized: FRANCE

Address: 75 QUAI D'ORSAY
PARIS, FRANCE 75007

Correspondent

Correspondent Name: AIR LIQUIDE USA LLC

Correspondent Address: 2700 POST OAK BOULEVARD
SUITE 325
HOUSTON, TX 77056

Domestic Representative - Not Found

APPLICANT'S EXHIBIT 40

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Mark: XOLAIR



US Serial Number: 78073589
US Registration Number: 2678068
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Dec. 08, 2012
Publication Date: Oct. 29, 2002

Application Filing Date: Jul. 12, 2001
Registration Date: Jan. 21, 2003

Mark Information

Mark Literal Elements: XOLAIR
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Design Search Code(s): 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
27.03.05 - Objects forming letters or numerals

Foreign Information

Priority Claimed: Yes
Foreign Application Number: 6302/2001
Foreign Registration Number: 487492
Foreign Application/Registration Country: SWITZERLAND
Foreign Application Filing Date: Jun. 25, 2001
Foreign Registration Date: Jul. 26, 2001
Foreign Expiration Date: Jun. 25, 2011

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: pharmaceutical preparations for use in the treatment of rhinitis

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Novartis AG
Owner Address: CH-4002
Basel
SWITZERLAND
Legal Entity Type: CORPORATION
State or Country Where: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Maury M. Tepper, III
Attorney Primary Email Address: mtepper@teiplaw.com

Docket Number: 51653
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Maury M. Tepper, III
 TEPPER & EYSTER, PLLC
 3724 BENSON DRIVE
 RALEIGH, NORTH CAROLINA 27609
 UNITED STATES

Phone: 919-861-8903
Correspondent e-mail: mtepper@teiplaw.com

Fax: 919-861-8913

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Novartis Pharmaceuticals Corporation

Prosecution History

Date	Description	Proceeding Number
Dec. 08, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 08, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Dec. 08, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Dec. 08, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Nov. 12, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 17, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59136
Jan. 08, 2009	ASSIGNED TO PARALEGAL	59136
Jan. 06, 2009	TEAS SECTION 8 & 15 RECEIVED	
Jan. 17, 2008	CASE FILE IN TICRS	
Dec. 04, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2004	PAPER RECEIVED	
Jan. 21, 2003	REGISTERED-PRINCIPAL REGISTER	
Oct. 29, 2002	PUBLISHED FOR OPPOSITION	
Oct. 09, 2002	NOTICE OF PUBLICATION	
Jul. 09, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 07, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 07, 2002	PAPER RECEIVED	
May 06, 2002	LETTER OF SUSPENSION MAILED	
Mar. 14, 2002	Sec. 1(B) CLAIM DELETED	77300
Mar. 14, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 26, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 14, 2002	PAPER RECEIVED	
Sep. 17, 2001	NON-FINAL ACTION MAILED	
Sep. 06, 2001	ASSIGNED TO EXAMINER	77300

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 21, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 08, 2012

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: 91203110

Filing Date: Dec 22, 2011

Status: Terminated

Status Date: Jan 31, 2012

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Medox Healthcare, Inc.

Correspondent Address: JUSTIN R NIFONG
OLIVE LAW GROUP PLLC
125 EDINBURGH SOUTH DR STE 100
CARY NC , 27511 6484
UNITED STATES

Correspondent e-mail: jrnifong@olivelawgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LOXAIR	Abandoned - After Inter-Partes Decision	<u>85358996</u>	
Plaintiff(s)			

Name: Novartis AG

Correspondent Address: MAURY M TEPPER III
TEPPER EYSTER PLLC
3724 BENSON DR
RALEIGH NC , 27609
UNITED STATES

Correspondent e-mail: mtepper@teiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 22, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2011	Jan 31, 2012
3	PENDING, INSTITUTED	Dec 22, 2011	
4	WITHDRAWAL OF APPLICATION	Jan 23, 2012	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 31, 2012	
6	TERMINATED	Jan 31, 2012	

Type of Proceeding: Opposition

Proceeding Number: 91196900

Filing Date: Oct 13, 2010

Status: Terminated

Status Date: Sep 07, 2011

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Acella Pharmaceuticals, LLC

Holaira001674

Correspondent Address: CHARLES W FORLIDAS
MILLER MARTIN PLLC
1170 PEACHTREE ST NE FL 8
ATLANTA GA , 30309
UNITED STATES

Correspondent e-mail: cforlidas@millermartin.com , TrademarkNotices@millermartin.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
XOLAFIN	Abandoned - After Inter-Partes Decision	<u>77893681</u>	
Plaintiff(s)			

Name: Novartis AG

Correspondent Address: MAURY M TEPPER III
TEPPER EYSTER PLLC
3724 BENSON DR
RALEIGH NC , 27609 7321
UNITED STATES

Correspondent e-mail: mtepper@teiplaw.com , athomson@teiplaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 13, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 14, 2010	Nov 23, 2010
3	PENDING, INSTITUTED	Oct 14, 2010	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 22, 2010	
5	EXTENSION OF TIME GRANTED	Nov 22, 2010	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 22, 2010	
7	EXTENSION OF TIME GRANTED	Dec 22, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Jan 21, 2011	
9	ANSWER	Jan 21, 2011	
10	DATES REMAIN AS SET	Jan 25, 2011	
11	AMENDMENT AND WITHDRAWAL	Jul 14, 2011	
12	MOTION TO AMEND; DENIED; DATES REMAIN AS SET	Aug 03, 2011	
13	WITHDRAWAL OF APPLICATION	Aug 17, 2011	
14	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 07, 2011	
15	TERMINATED	Sep 07, 2011	

Type of Proceeding: Opposition

Proceeding Number: 91156491

Filing Date: Apr 04, 2003

Status: Terminated

Status Date: Aug 19, 2003

Interlocutory Attorney: ALBERT J ZERVAS

Defendant

Name: SINCLAIR PHARMA S.R.L.

Correspondent Address: JOSEPH J. ORLANDO
BUCKNAM AND ARCHER
1077 NORTHERN BLVD
ROSLYN NY , 11576-1696
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

SEBCLAIR	Abandoned - No Statement Of Use Filed		76421554
Plaintiff(s)			
Name: Novartis AG			
Correspondent Address:	Adam R. Agensky c/o Novartis One Health Plaza, Corporate Intellectual Property East Hanover NJ , 07936-1080 UNITED STATES		
Correspondent e-mail: steven.hartman@group.novartis.com			
Associated marks			
Mark	Application Status	Serial Number	Registration Number
XOLAIR	Renewed	78073589	2678068
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 04, 2003	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 03, 2003	Jul 13, 2003
3	PENDING, INSTITUTED	Jun 03, 2003	
4	WITHDRAWAL OF OPPOSITION	Aug 04, 2003	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 19, 2003	
6	TERMINATED	Aug 19, 2003	
Type of Proceeding: Extension of Time			
Proceeding Number: 76421554		Filing Date: Jan 22, 2003	
Status: Terminated		Status Date: Jan 22, 2003	
Interlocutory Attorney:			
Defendant			
Name: SINCLAIR PHARMA S.R.L.			
Correspondent Address:	JOSEPH J. ORLANDO BUCKNAM AND ARCHER 1077 NORTHERN BLVD ROSLYN NY , 11576-1696 UNITED STATES		
Associated marks			
Mark	Application Status	Serial Number	Registration Number
SEBCLAIR	Abandoned - No Statement Of Use Filed	76421554	
Potential Opposer(s)			
Name: Novartis AG			
Correspondent Address:	Steven H. Hartman Novartis AG One Health Plaza East Hanover NJ , 07936-1080 UNITED STATES		
Correspondent e-mail: steven.hartman@group.novartis.com			
Associated marks			
Mark	Application Status	Serial Number	Registration Number
XOLAIR	Renewed	78073589	2678068
Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jan 21, 2003	
2	EXTENSION OF TIME GRANTED	Jan 22, 2003	
3	INCOMING - EXT TIME TO OPPOSE FILED	Mar 05, 2003	
4	EXTENSION OF TIME GRANTED	Mar 14, 2003	

APPLICANT'S EXHIBIT 41

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Mark: XOLAIR

US Serial Number: 78109911	Application Filing Date: Feb. 20, 2002
US Registration Number: 2707154	Registration Date: Apr. 15, 2003
Register: Principal	
Mark Type: Trademark	
Status: The registration has been renewed.	
Status Date: Mar. 01, 2013	
Publication Date: Jan. 21, 2003	

Mark Information

Mark Literal Elements: XOLAIR
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Foreign Registration Number: 489088	Foreign Registration Date: Sep. 13, 2001
Foreign Application/Registration Country: SWITZERLAND	Foreign Expiration Date: Aug. 23, 2011

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: pharmaceutical preparations for use in the treatment of rhinitis

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Novartis AG	
Owner Address: CH-4002 Basel SWITZERLAND	
Legal Entity Type: CORPORATION	State or Country Where Organized: SWITZERLAND

Holaira001677

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Maury M. Tepper, III
Attorney Primary Email Address: mtepper@teiplaw.com

Docket Number: 51653
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Maury M. Tepper, III
TEPPER & EYSTER, PLLC
3724 BENSON DRIVE
RALEIGH, NORTH CAROLINA 27609
UNITED STATES

Phone: 919-861-8903
Correspondent e-mail: mtepper@teiplaw.com

Fax: 919-861-8913

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Novartis Pharmaceuticals Corporation
Fax: 908/522-6944

Phone: 908/522-6941

Domestic Representative e-mail: steven.hartman@pharma.novartis.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Mar. 01, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 01, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Mar. 01, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68502
Mar. 01, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Feb. 18, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 19, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59136
Jan. 08, 2009	ASSIGNED TO PARALEGAL	59136
Jan. 06, 2009	TEAS SECTION 8 & 15 RECEIVED	
Mar. 20, 2008	CASE FILE IN TICRS	
Dec. 04, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2004	PAPER RECEIVED	
Apr. 15, 2003	REGISTERED-PRINCIPAL REGISTER	
Jan. 21, 2003	PUBLISHED FOR OPPOSITION	
Jan. 01, 2003	NOTICE OF PUBLICATION	
Nov. 18, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 23, 2002	Sec. 1(B) CLAIM DELETED	76869
Oct. 23, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 23, 2002	PAPER RECEIVED	
Oct. 10, 2002	ASSIGNED TO EXAMINER	76463
Jun. 02, 2002	NON-FINAL ACTION E-MAILED	
Jun. 02, 2002	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jun. 02, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 31, 2002	ASSIGNED TO EXAMINER	78327

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Section 15 - Accepted

Incontestability:

Renewal Date: Apr. 15, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 01, 2013

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91203110

Filing Date: Dec 22, 2011

Status: Terminated

Status Date: Jan 31, 2012

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Medox Healthcare, Inc.

Correspondent Address: JUSTIN R NIFONG
OLIVE LAW GROUP PLLC
125 EDINBURGH SOUTH DR STE 100
CARY NC , 27511 6484
UNITED STATES

Correspondent e-mail: jrnifong@olivelawgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LOXAIR	Abandoned - After Inter-Partes Decision	<u>85358996</u>	
Plaintiff(s)			

Name: Novartis AG

Correspondent Address: MAURY M TEPPER III
TEPPER EYSTER PLLC
3724 BENSON DR
RALEIGH NC , 27609
UNITED STATES

Correspondent e-mail: mtepper@teiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 22, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2011	Jan 31, 2012
3	PENDING, INSTITUTED	Dec 22, 2011	
4	WITHDRAWAL OF APPLICATION	Jan 23, 2012	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 31, 2012	
6	TERMINATED	Jan 31, 2012	

Type of Proceeding: Opposition

Proceeding Number: 91196900

Filing Date: Oct 13, 2010

Status: Terminated

Status Date: Sep 07, 2011

Interlocutory Attorney: ROBERT COGGINS

Defendant

Holaira001679

Name: Acella Pharmaceuticals, LLC

Correspondent Address: CHARLES W FORLIDAS
MILLER MARTIN PLLC
1170 PEACHTREE ST NE FL 8
ATLANTA GA , 30309
UNITED STATES

Correspondent e-mail: cforlidas@millermartin.com , TrademarkNotices@millermartin.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAFIN	Abandoned - After Inter-Partes Decision	<u>77893681</u>	
Plaintiff(s)			

Name: Novartis AG

Correspondent Address: MAURY M TEPPER III
TEPPER EYSTER PLLC
3724 BENSON DR
RALEIGH NC , 27609 7321
UNITED STATES

Correspondent e-mail: mtepper@teiplaw.com , athomson@teiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 13, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 14, 2010	Nov 23, 2010
3	PENDING, INSTITUTED	Oct 14, 2010	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 22, 2010	
5	EXTENSION OF TIME GRANTED	Nov 22, 2010	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 22, 2010	
7	EXTENSION OF TIME GRANTED	Dec 22, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Jan 21, 2011	
9	ANSWER	Jan 21, 2011	
10	DATES REMAIN AS SET	Jan 25, 2011	
11	AMENDMENT AND WITHDRAWAL	Jul 14, 2011	
12	MOTION TO AMEND; DENIED; DATES REMAIN AS SET	Aug 03, 2011	
13	WITHDRAWAL OF APPLICATION	Aug 17, 2011	
14	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 07, 2011	
15	TERMINATED	Sep 07, 2011	